



PRESS RELEASE

**New York State
Unified Court System**

**Hon. Lawrence K. Marks
Chief Administrative Judge**

**Contact:
Lucian Chalfen,
Public Information Director
Arlene Hackel, Deputy Director
(212) 428-2500**

www.nycourts.gov/press

Date: September 18, 2020

Court System Announces Application Procedure for Eligible Individuals Seeking to Destroy an Expunged Marijuana Conviction Record Under Recently Enacted NY Law

NEW YORK—A state law passed last year to reduce penalties associated with marijuana-related offenses. The law requires convictions for Penal Law section 221.05 or Penal Law section 221.10 to be expunged. Individuals may also request destruction of the arrest, prosecution and criminal history records related to an expunged conviction. Applications to destroy records must be filed with the court where the conviction occurred. Successfully completed applications are forwarded to the Division of Criminal Justice Services and applicable law enforcement agencies, who will destroy the requisite expunged records. Under the law, these are the only two conviction charges that are eligible for expungement and destruction.

Individuals seeking destruction of these conviction records must complete and file an **Application to Destroy Expunged Marijuana Conviction Record**. The fillable application form, along with step-by-step procedures, are now available on the New York State court system website at:

www.nycourts.gov/FORMS/destroy-expunged-marihuana-conviction/index.shtml.

The application form may also be obtained in person at the courthouse.

Applications must be filed either by mail or in person at the courthouse where the individual was convicted of the eligible marijuana charge; the application cannot be processed if filed in a different court. There is no application filing fee.

Last year, Penal Law 221.10 (formerly called Criminal Possession of Marihuana in the Fifth Degree) was renamed Unlawful Possession of Marihuana in the First Degree; and Penal Law 221.05 (formerly called Unlawful Possession of Marihuana) was renamed Unlawful Possession of Marihuana in the Second Degree. One can apply to have the record destroyed regardless of whether the individual was convicted before or after August 28, 2019.

Under the new law, convictions for Penal Law sections 221.10 and 221.05 have already been expunged, meaning that the court, arrest, prosecution and criminal history records related to these convictions are confidential and cannot be seen by anyone, except:

- A law enforcement agency to which the individual is applying for a job as a police or peace officer; or
- A pistol permit licensing officer/bureau to which the individual is applying for a pistol permit.

Any eligible individual who is satisfied with the confidentiality that record sealing provides is not required to apply for destruction of expunged conviction records.

For more information, please go to:

www.nycourts.gov/FORMS/destroy-expunged-marihuana-conviction/index.shtml.

#