

Appendix

Certificates Guide

Certificate of Relief from Disabilities & Certificate of Good Conduct

Overview

What is the benefit of having a Certificate of Relief or Certificate of Good Conduct?⁴⁵

Both certificates remove any mandatory bars to licensure or employment. This means you cannot be automatically disqualified for a particular license or job because of your conviction(s); the licensing agency or employer must consider you “rehabilitated” and evaluate you on an individual basis.

In addition, a Certificate of Good Conduct restores the right to apply for “public office,” if the public office that you want to hold has an automatic bar for people with conviction histories. Most do not.

Does the certificate expunge, seal, or pardon my conviction(s)?

No. You still must list your unsealed convictions when asked on license and job applications. Employers will still see your unsealed convictions if they get your rap sheet or do a background check.

Does the certificate guarantee me a license or job?

No. The licensing agency or employer must take your certificate into account when deciding whether to license or hire you, and they must assume that you are “rehabilitated” unless there is evidence indicating otherwise. But, the law still allows a licensing agency or employer to refuse to license or hire you if they find that there is a “direct relationship” between your conviction(s) and the license or employment, or that licensing or hiring you would create an “unreasonable risk.”

Do I need a certificate to be able to register to vote?

You can register to vote without a certificate! All people on parole in New York State are issued a conditional pardon that restores their right to vote. The conditional pardon is renewed on a monthly basis.

If you are on parole and want to check if your voting rights have been restored, you can search online by name: publicapps.doccs.ny.gov/ParoleeLookup/default

Register to vote here: dmv.ny.gov/more-info/electronic-voter-registration-application

Learn more about voting on parole here: bit.ly/VoteOnParole

	Certificate of Relief from Disabilities⁴⁶	Certificate of Good Conduct⁴⁷
<p>Which certificate am I eligible for? Eligibility depends on your conviction(s):</p>	<p>Maximum of 1 felony* Any number of misdemeanors</p> <p>*Two or more felony convictions in the same court on the same day are counted as one felony.</p>	<p>2 or more separate felonies Any number of misdemeanors</p> <p>Note: Some “public office” jobs require you to have a Certificate of Good Conduct, (regardless of your conviction type). “Public office” positions include: Some elected positions; Some government jobs; Law enforcement jobs, such as firefighters or police officers.</p>
<p>How many convictions does the certificate cover?</p>	<p>Each Certificate of Relief from Disabilities only covers one conviction.</p> <p>You can apply for a separate Certificate of Relief from Disabilities for each misdemeanor or felony conviction.</p> <p>If you have many convictions, you should at least try to get Certificates of Relief from Disabilities for your most recent and most serious convictions.</p>	<p>One Certificate of Good Conduct will cover all of your felony and misdemeanor convictions.</p>
<p>When can I apply for a certificate?</p>	<p>Right away – there is no waiting period for this certificate.</p>	<p>Depends on your most serious conviction (<u>not</u> your last one):</p> <ul style="list-style-type: none"> • A or B felony: 5 years • C, D, or E felony: 3 years • Misdemeanors only: 1 year <p>The waiting period starts: the last time you got out of prison or jail (onto parole or maxed out) OR at the time of your last criminal conviction if you weren’t incarcerated.</p> <p>Note: If you were convicted in another state or in federal court, the waiting period will be determined by what the level of the conviction would have been if the conviction happened in New York State.</p>

Certificate of Relief from Disabilities**Certificate of Good Conduct**

Can I get the certificate at my sentencing?

Yes! You can get a Certificate of Relief from Disabilities from the judge at the time you are sentenced, *unless* you are sentenced to incarceration in a state facility.

Getting a certification at sentencing is especially important if you have a job or license that will be affected by a conviction, or if you live in public housing.

Talk to your defense attorney about asking for a Certificate of Relief from Disabilities at sentencing.

No, you must wait until the time period above passes.

Can I get the certificate while on parole or probation?

You can get a temporary Certificate of Relief from Disabilities while on parole or probation. A temporary Certificate of Relief from Disabilities will automatically become permanent after a specified date unless the issuing court or the parole board revokes it.

You cannot apply for a Certificate of Good Conduct while you are on parole or probation.

Where do I apply for the certificate?

It depends on where you were convicted and if you were incarcerated in a state facility:

If you were convicted in New York but you were not incarcerated in state prison:

You have to apply to the court where you were convicted.

If you were convicted in New York and you were incarcerated in a state prison,

OR if you were convicted of a federal or out-of-state misdemeanor or felony:

You have to apply to the New York State Department of Corrections and Community Supervision (DOCCS).

You must apply to the New York State Department of Corrections and Community Supervision (DOCCS).

How do I request the application?

Certificate of Relief from Disabilities

If you are on parole or probation:

You should request the certificate from your parole or probation officer. Your parole or probation officer will then forward the request to DOCCS.

If you are applying to the court where you were convicted (and not on parole):

Contact the court clerk where you were convicted. They have a different application than DOCCS. See this chart of NYC Sentencing Courts by borough from the Community Service Society:
bit.ly/CourtsChart

If you are applying to DOCCS (and not on parole):

You can download one application for each conviction at:
doccs.ny.gov/certificate-relief-good-conduct-restoration-rights
OR call and ask DOCCS to send you the application(s) at:
(518) 485-8953

Certificate of Good Conduct

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