

LEGAL AID BUREAU OF BUFFALO

Established in 1912 and serving more than 20,000 individuals annually, the Legal Aid Bureau of Buffalo is the largest and oldest provider of indigent legal services in Western New York. Our agency provides legal help in both civil and criminal law.

We provide a range of holistic services to help individuals suffering from addiction, individuals with mental illness, victims of human trafficking, domestic violence victims, abused and neglected children, children facing challenges in obtaining equal access to education, tenants, veterans, formerly incarcerated individuals, victims of workplace abuse, immigrants and refugees, persons with disabilities, homeowners facing foreclosures, and other vulnerable Western New Yorkers. Our staff, volunteers, funders, and donors have been making a difference for over 100 years.

OUR MISSION

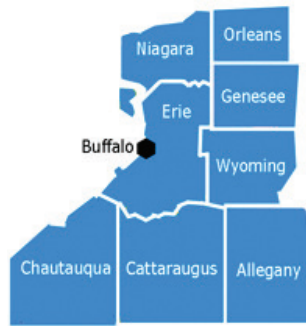
Our mission is to provide access to justice and due process to the most vulnerable individuals, children, and families through quality legal representation and assistance.

HOW TO HELP

Make a secure, tax-deductible online donation at legalaidbuffalo.org/donate.

Our services are made possible by:

- State of New York
- NYS IOLA Fund
- NYS AG Home Owner Protection Plan
- Erie County
- NYS Judiciary Civil Legal Services Fund
- NY Bar Foundation
- The John R. Oishei Foundation
- The Peter and Elizabeth C. Tower Foundation
- City of Buffalo
- Law firms, corporations, foundations,



290 Main Street, Suite 300,
Buffalo, NY 14202

Service is available
Monday to Friday
from 8:30 a.m. to 4:30 p.m.

716-853-9555
legalaidbuffalo.org



Equal Access to Justice for
Everyone We Serve

Proud to Serve Western
New York Since 1912



NEW YORK'S NEW MARIJUANA DECRIMINALIZATION AND EXPUNGEMENT LAW



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DECRIMINALIZATION

In NYS, **beginning on August 28, 2019:**

- ☐ It will be a non-criminal violation, not a crime, to possess up to 2 ounces of marijuana;
- ☐ Police can still stop and question you for this violation, but if you live in New York State and have an ID they are supposed to give you a ticket, not put you through the system. You have the right to contest the ticket if you think you did not violate the law, but if you choose not to, you will simply pay a fine;
- ☐ The maximum penalty for possession of up to 1 ounce of marijuana (a noncriminal violation) will be a \$50 fine [PL 221.05];
- ☐ The maximum penalty for possession of up to 2 ounces of marijuana (a noncriminal violation) will be a \$200 fine [PL 221.10];
- ☐ Smoking marijuana in places like bars, restaurants, workplaces and on public transit violates the public health law [PHL 1399-O]; You can't be arrested for a Public Health Law violation, but you will be given a ticket and, unless you contest the ticket, required to pay a fine;
- ☐ “Marijuana” under the new law includes the plant, seeds, and any oil or resin extracted from the plant [PHL 3302];
- ☐ It is still illegal under New York State law to sell, trade, transport, or grow marijuana;
- ☐ Medical marijuana use and possession is legal in New York State if you have a valid Medical Marijuana Card;
- ☐ It is still illegal under federal law to possess/smoke, sell, trade, transport, or grow marijuana.

EXPUNGEMENT

Between August 28, 2019 and July 29, 2020:

- ☐ The two state agencies that report information for background checks will stop disclosing any information about past convictions for PL 221.05 or PL 221.10 on background checks. But they will still disclose the information for law enforcement purposes;
- ☐ Unless you are applying for a job with law enforcement, most employers should not see the conviction when you apply for a job and the case should be treated as sealed. Consult with an attorney if you have questions.

By July 29, 2020:

- ☐ All records for PL 221.05 and PL 221.10 convictions will be automatically expunged;
- ☐ “Expunged” means that the electronic court records will be automatically marked as expunged and sealed from public view. Your case will be automatically dismissed, and considered “terminated in [your] favor. . . and deemed a nullity”.
- ☐ All mugshots and fingerprints associated with the case will be destroyed/returned to you;
- ☐ Police Departments, other law enforcement agencies and District Attorney’s offices must mark their records as expunged.
- ☐ You can also request in writing that your physical records be destroyed. There are times when this may be a bad idea, particularly if you have immigration concerns. Please consult with an attorney before you request destruction of your records;

☐ If for some reason your conviction is not automatically expunged by July 29, 2020, you can bring a copy of your Certificate of Disposition or your RAP Sheet to the courthouse and they will expunge your record;

☐ Expungement can't be waived as part of a plea agreement;

☐ Once a case is expunged, most employers should not see the conviction when you apply for a job;

☐ Once a case is expunged, you can legally deny that the case existed if you are asked about it in almost all employment situations. However, certain employers and certain positions may consider the expunged conviction; for example: police officers, employers with specific exemptions under New York law, and federal employers, including federal employers subject to clearance or licensing. Carefully review application materials and consult with a lawyer if necessary.



FOR NON-US CITIZENS

If you are not a US citizen, it may benefit you to apply to vacate your conviction on the merits for PL 221.05 or PL 221.10 even though your conviction will be automatically expunged under the new law. This other application may be important for your immigration status.

An application to vacate your conviction for PL 221.05 or PL 221.10 must be submitted to the court and decided on the merits; it is not automatic. You will need to work with an attorney to file this application.

If you are considering asking the court to destroy its records, speak with an attorney first. In some circumstances, records destruction may not be a good idea.

Questions?

**Free legal services are available.
Contact Kevin Stadelmaier, Chief Attorney
716-853-9555 ext. 219**



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