Pursuant to 9 New York Code of Rules and Regulations Part 6050 the NYS Division of Criminal Justice Services (DCJS) an individual, or an individual's attorney who has been authorized in writing, may obtain either a copy of all criminal history information maintained on file at DCJS pertaining to himself/herself, or a response indicating that there is no criminal history information on file. The individual may also challenge the accuracy of the information through procedures established by DCJS. To obtain further information on the criminal history review process, please visit the DCJS website: <http://www.criminaljustice.ny.gov/cjis/recordreview.htm>

This section outlines the process for a prospective applicant to request a copy of NYS criminal history maintained by the Division of Criminal Justice Services.

1. Contact MorphoTrust USA (formerly known as L-1 Identity Solutions) - a vendor under a state contract - by calling 1-877-472-6915 (toll free number) or by visiting their website at www.l1enrollment.com http://www.l1enrollment.com/ to schedule an appointment for fingerprinting.

2. The "Request for MorphoTrust USA Fingerprinting Services - NYS Division of Criminal Justice Services Record Review Program" form describes the information that will be requested when you schedule the appointment.

3. In completing that information, please note:
   a. The Record Review ORI Number: NYDCJSPRY must be listed.
   b. You may request that your response be sent to your attorney rather than yourself.

4. When you arrive for your fingerprinting appointment, you must:
   a. Provide two forms of identification (information on acceptable forms are available on the MorphoTrust USA website or from the MorphoTrust USA Call Center); AND
   b. Pay the fee for fingerprinting services - $60.75 - (the DCJS Record Review Fingerprint Fee of $50.00 plus the MorphoTrust USA processing fee of $10.75) using a personal or business check, certified check, bank check, money order, cash, or credit card made out to "MorphoTrust USA" or "L-1 Enrollment Services."

The United States Department of Justice Order 556-73 establishes rules and regulations for the subject of an FBI Identification Record to obtain a copy of his or her own Record for review. Only the subject of the identification record can request a copy of his own FBI Identification Record for personal review or to challenge the information on the Record. The FBI's Criminal Justice Information Services (CJIS) Division processes these requests.

This section outlines the process for a prospective applicant to request a copy of their FBI Identification Record for personal review or to challenge information on the Record.

Requests for review of an FBI Identification Record must be mailed on signed cover letters provided by the FBI along with proof of identity (set of fingerprints) and payment to:
FBI CJIS Division - Record Request
1000 Custer Hollow Road
Clarksburg, West Virginia 26306.
To obtain all necessary information regarding these requests, visit http://www.fbi.gov/hq/cjisd/ffrequest.htm

Challenging Information contained on an FBI Identification Record, often referred to as a Criminal History Record or Rap Sheet, is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, federal employment, naturalization, or military service. If the fingerprints are related to an arrest, the Identification Record includes name of the agency that submitted the fingerprints to the FBI, the date of arrest, the arrest charge, and the disposition of the arrest, if known to the FBI. An individual may challenge the information contained in the FBI Identification Record by contacting the original agency that submitted the information to the FBI or the state central repository in the state in which the arrest occurred. These agencies will be able to furnish the guidelines for correction of the Record. The FBI is not authorized to modify the Record without written notification from the appropriate criminal justice agency.
NEW YORK CORRECTION LAW - ARTICLE 23-A

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

§750. Definitions.
For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability.
The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.
No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual;

(2) The issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.
1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment.
At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.
1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

*Effective February 1, 2009, employers must post a copy of the Correction Law relating to the use of prior convictions.