



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION


HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

JUSTIN A. BARRY, ESQ.
EXECUTIVE DIRECTOR

February 14, 2024

MEMORANDUM

To: All Impacted Non-Judicial Personnel
From: Justin A. Barry 
Re: Local Criminal Record Searches

Effective immediately, clerical personnel in courts exercising criminal jurisdiction must conduct, upon request, a search of records when the requesting party only provides a name and date of birth of the alleged defendant. A case identifier, such as a docket, indictment or arrest number, will not be required to conduct such a search.

This modifies our previous policy that required the requestor to provide at least one case identifier. Instructions on the “Criminal Certificate of Disposition Request Form” will be modified to conform with this new policy.

Background

Section 255 of the Judiciary Law requires:

A clerk of a court must, upon request, and upon payment of, or offer to pay, the fees allowed by law, ... diligently search the files, papers, records, and dockets in [their] office; and either make one or more transcripts or certificates of change therefrom, and certify to the correctness thereof, and to the search, or certify that a document or paper, of which the custody legally belongs to him, cannot be found.

Judiciary Law § 255 (emphasis added). This section applies equally to searches of criminal court records and does not require a requestor to provide a primary identifier such as a docket, indictment, SCI, or index number. *See Herrick v. Town of Colonie*, 211 A.D.3d 1146, 1147-48 (3rd Dep’t 2022), *lv. denied*, 39 N.Y.3d 914 (2023).

Paragraph (g) of CPLR 8020 sets the fee for a search of court records at \$5.00 per two-year period searched. *Id.*

Accordingly, if a member of the public provides a court clerk with (i) a name (first and last) and (ii) a date of birth of an alleged defendant along with (iii) a date range to be searched, the clerk should conduct a computer search for that individual and provide the requestor with a transcript or list of the index, docket, SCI, indictment, or other primary identifying numbers for any publicly available (not sealed) files within the provided timeframe. If the timeframe exceeds two years, an additional fee should be charged for each additional two-year period.

- This would be an “exact-match” name and date of birth search. Any variations in the spellings of the names or dates of birth associated with a name would constitute separate searches and incur separate search fees.
- Any secondary request to provide additional written documentation regarding information about a specific case, such as convictions or other dispositional information, should be fulfilled through provision of a certificate of disposition for the appropriate separate fee.
- Requestors should not be instructed that they must submit their criminal record inquiries as an OCA Criminal Records History Search (“CHRS”) and pay the \$95.00 statutory fee. Such a requestor may be given information regarding CHRS explaining that it provides a statewide search, but this cannot be substituted for conducting a diligent local search as required under the Judiciary Law upon request and an offer to pay.

If the volume of requests presented by an individual interferes with the operations of a clerk’s office, the clerk may limit the number of requests by that individual to 10 searches per day or may defer responding to search requests in excess of the first 10 within a reasonable amount of time (i.e., responding later via email or instructing the requestor to return on a subsequent date to pick up the response).

cc: Hon. Joseph A. Zayas
Hon. Norman St. George
Deputy Chief Administrative Judges
Administrative Judges
David Nocenti
Chiefs of Staff
District Executives
NYC Chief Clerks
Anthony Perri
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