

A CRIMINAL RECORD **SHOULD NOT** MEAN A LIFETIME OF BLOCKED OPPORTUNITIES

CLEAN SLATE FACT SHEET

Too many of our brothers and sisters are trapped in poverty and shut out of jobs and housing because of their criminal records. This bill will increase the efficiency of the criminal sealing process that is currently cumbersome, slow, and underutilized because it is so complicated.

Support H.1598 (Rep. Keefe) and S.979 (Sen. Friedman) An Act providing for easier and greater access to record sealing

- > This Clean Slate bill requires the Commissioner of Probation to automatically seal criminal and juvenile records **after** the applicable waiting periods without the filing of a petition.
- > The current law requires people to mail or deliver petitions to the Commissioner of Probation who processes petitions manually, one-by-one. The present system has backlogs and it takes 3 or 4 months to get a reply after filing a sealing petition.
- > Because of backlogs, people who already waited years for sealing are forced to face collateral consequences of their records for even longer.
- > The sealing process has lots of complicated rules. Many people do not know when their records are eligible for sealing, and only learn they might be eligible for record sealing after they lose the prospect for a job, housing, or other opportunity due to their record.
- > Studies show record sealing increases access to jobs and wages, but gaps in knowledge about sealing hold countless eligible individuals back from sealing and getting jobs, Starr & Prescott, 133 Harv. L. Rev. 2460 (2020).
- > Other states such as PA, CT, NJ, NY, CA, CO, DE, MI, OK, VA, and UT have successfully adopted automatic record clearing with great benefits to those with records. See **Clean Slate Initiative**.
- > The bill allows people who sealed their records to have continued access to their own records without filing motions to unseal files. This helps immigrants and others who might need quick access to records.
- > The bill specifies all juvenile cases are sealable under the juvenile sealing law because the Commissioner started applying the adult sealing law to youthful offender cases which gives young adults longer waiting periods and makes some of their offenses NEVER sealable for a lifetime.

CLEAN SLATE FACT SHEET: SECOND CHANCE BILLS

Support H.1493 (Rep. Fluker-Oakley) and S.998 (Sen. Gomez) An Act to remove collateral consequences and protect the presumption of innocence

- > Provides for immediate sealing of a criminal offense at the time of the final disposition if the charge did not end in a conviction and the defendant does not object to such sealing.
- > Many jurisdictions across the country, not limited to CT, RI, PA, NH, CO, FL, KY, MO, NJ, NE, PA, and UT seal charges that end favorably at the time of the final disposition of the offense(s).
- > Any criminal case carries a heavy stigma even if it ended favorably in a dismissal or not guilty finding. The bill would help by requiring that CORI reports include a statement that the presumption of innocence applies if a person was not convicted.
- > The bill allows people who sealed their records to get access to their own records without filing a motion to unseal them. This helps people who might need quick access to the records for immigration hearings or other purposes.
- > The bill updates the present “hold back” provisions under G.L. c. 6, § 172(3)(a) for employers and others who have a lower level “standard” access to CORI. The bill limits CORI access if the offense is more than 3 years old for a misdemeanor, and 7 years for a felony to be consistent with newer sealing waiting periods for sealing of records that went into effect in 2018. Present exclusions in the law for sex offenses or other serious offenses remain intact.



THE CORI INITIATIVE

Contact pquirion@gbls.org with any questions.

SUPPORTERS OF CLEAN SLATE AUTOMATIC RECORD SEALING

ACLU Massachusetts
Back on my Feet (Boston)
Bay Cove Human Services
BEST Hospitality Training Center (Boston/Medford)
Boston Bar Association
Boston Healthcare for the Homeless
Boston Public Health Commission Program Services
Bridge over Troubled Waters (Boston)
Bristol County for Correctional Justice
Cambridge Women's Center
Casa Esperanza
Center for Teen Empowerment Inc. (Boston- Somerville)
Clean Slate Initiative (national)
Citizens for Juvenile Justice
Clemente Program (Mass Humanities) (statewide)
Coalition for Social Justice Action Fund
Code for Boston
Codman Square (NDC)
Committee for Public Counsel (CPCS)
Community Servings (Boston)
Community Resources for Justice, Inc. (CRJ)
Community Work Services
Deaf and Hard of Hearing Independent Living Services
Dream Network (Lawrence)
EMPathways (Boston)
Fresh Start Wellness Center (Worcester)
Gavin Foundation (Quincy)
Greater Boston Interfaith Organization (GBIO)
Greater Boston Legal Services
Harvard Defenders Clinic
Hearth, Inc. (Boston)
Higher Ground Boston
Hopewell Inc. (statewide)
Justice at Work (Boston)
Justice Bridge Legal Center
Justice 4 Housing
Justice Resource Institute (Holyoke)
Lawyers Clearinghouse (statewide)
Lawyers for Civil Rights (Massachusetts)
Louis D. Brown Peace Institute
Massachusetts Bar Association
Massachusetts Black Lawyers Association
Massachusetts Coalition for the Homeless
MassHire Downtown Boston Career Center/ Jewish Vocational Service (JVC)
Mass EdCO-Massachusetts Education and Career Opportunities INC. (at BPL, Boston)
Massachusetts UAW CAP Council
Massachusetts Youth Build Coalition
More than Words (Boston & Waltham)
National Consumer Law Center (Boston)
National Lawyers Guild (Mass. Chapter)
New England Community Services (Dorchester, Lynn, and Lawrence)
New England Law CORI Initiative
New North Citizens Council (Springfield)
NETA Dispensary
NFI Massachusetts Inc.
Northeastern Law School CJ Taskforce
Operation Exit (Boston)
Out for Good Behavioral Health Services (PAAAC Recovery Support Center (New Bedford)
Parent Villages
Partakers (Boston)
Prophetic Resistance (Boston)
Public Health Institute of Western Massachusetts
ROCA (statewide)
Ruth's Way for Women
Safe Coalition Inc. (Franklin)
Somerville Homeless Coalition
Sisters of St. Joseph of Boston
St. John's Missionary Baptist Church
Strategies for Youth
Student Clinic for Immigrant Justice at Worcester State University
T'ruah Massachusetts (Rabbinic Call for Human Rights)
UAW (AFL-CIO)
UMass Law School Human Rights at Home Clinic
Union of Minority Neighborhoods
Veterans Legal Services
Viability (statewide)
Western New England School of Law Center for Social Justice
Women's Bar Association (Massachusetts)
Women's Lunch Place
Worcester Vet Center & Veterans Crisis Line
Yard Time Entertainment
A Year and a Day Foundation (Boston)
Youth Options Unlimited (YOU)