

## **CORI ALERT FOR PEOPLE TRYING TO SEAL CRIMINAL RECORDS**

Greater Boston Legal Services won an appeal on August 15, 2014 where the Supreme Judicial Court (SJC) made it easier to seal criminal records in court.

### **WHAT YOU NEED KNOW ABOUT THE NEW STANDARD**

- If you are going to court to seal your records, the new law applies to your case. You now only have to prove “good cause” to seal your record. The old standard based on the public’s First Amendment right to see your records is thrown out.
- The new standard applies to court cases filed to seal criminal cases that ended in a non-conviction such as a dismissed case or a case that ended in a nolle prosequi (the D.A. dropped the case).
- If a judge denied your petition to seal your records in the past, you can file a new petition and ask a judge to seal the cases under the new law.

### **FACTORS JUDGES MUST NOW CONSIDER**

To show there is “good cause” to seal records, there must be a “credible” evidence of a “disadvantage” at the present time or in the foreseeable future related to your CORI. Things that a judge can consider are:

- You were denied a job or are at risk of unemployment or underemployment related to your CORI;
- You have trouble getting housing, or are homeless, or at risk of homelessness related to CORI;
- Employers use CORI in your present occupation or an occupation you’d like to have;
- CORI reduces opportunities for advancement (promotion, internship, better/ higher paying job);
- You and/or your family are on public assistance despite your efforts to get a job;
- You have trouble volunteering or doing community activities due to CORI;
- A lot of time has passed since the case was filed against you;
- You are sober and have made efforts to rehabilitate yourself;
- You have made efforts toward self-improvement (classes, programs, GED, degree, certificate.);
- You do volunteer work and/or other work to help in your community;
- You successfully completed probation in your case(s);
- You have had no further contact with the criminal justice system;
- You have other evidence of rehabilitation from the date of the offense or dismissal;
- Your situation at the time of the offense should be considered (*e.g.* you were a teenager);
- There is stigma or stereotypes related to the case that hurts your chances to get a job, etc.; and
- The reason for dismissal or nolle prosequi and other information relevant to sealing your case(s).

### **STAY TUNED**

We will post more info on the [Masslegalhelp.org](http://Masslegalhelp.org) and [Masslegalservices.org](http://Masslegalservices.org) websites in the future.