



**PLEASE CO-SPONSOR THESE BILLS TO PROMOTE JOBS AND SUCCESS
AFTER CRIMINAL COURT INVOLVEMENT OR INCARCERATION**

People with criminal records need to be part of any plan to re-open the economy and get people back to work during and after the pandemic. 2018 reforms made some progress toward ensuring people with CORI have a chance to move ahead, but CORI still stops people from getting housing, a living wage, and licenses needed for many occupations, before and even after cases are sealed. A recent Harvard study also shows stark racial disparities in sentencing and incarceration.

IMPORTANT. Increased competition for jobs after COVID-19 and unacceptably high levels of racial injustice in Massachusetts make it urgent that the Legislature take action, including reforms to relieve people of countless collateral consequences from their criminal cases.

[H1908 S932](#) **An Act providing for certificates of rehabilitation, second chances, increased success, and community prosperity (Rep. Ultrino, Sen. Brownsberger).** A major overhaul of various laws. Adds a new chapter 276C to permit courts to issue certificates of rehabilitation to persons with convictions and CWOFS to remove disqualifications for jobs or other opportunities and creates a presumption that a person is suitable for employment, housing, or other opportunity listed in the certificate. Amends occupational licensing and anti-discrimination laws that now receive failing or low grades as to protections provided to people with state or federal convictions or juvenile adjudications. The bill would prohibit denials of jobs or licenses based on the fact of a conviction unless the conviction has a direct bearing on and affects person's fitness or ability to perform one or more primary duties that are necessarily related to the license or employment sought, or there is unreasonable risk to property or public safety. The decision maker must also do an individualized assessment based on set of factors, including: the public policy to promote jobs for people with convictions; type of work and job duties; youth or lack of maturity related to age of person at time of offense; time elapsed after offense; seriousness of offense; whether person did same job without incident after conviction; evidence of rehabilitation, including community contributions, training, education, sobriety, efforts at self-improvement, evidence of other good conduct; and if a person has a rehabilitation certificate, there is presumption of suitability. Provides that employers may not be held liable for negligent hiring practices by reason of relying on a certificate of rehabilitation and CORI check.

[H1763 S1037](#). **An Act providing easier and greater access to record sealing (Rep. Malia, Sen. Friedman).** Requires automatic sealing of records after the applicable waiting period by Commissioner of Probation. Sealing is now done manually. Each request must be mailed to the Commissioner and processed one-by-one. There are backlogs. Bill would increase efficiency and help countless people unaware of sealing rights who only learn about sealing records after they lose a chance at a job or other opportunity to seal records. Reactivates earlier law to immediately seal any not-guilty finding.

[H1568 S925](#) **An Act to remove collateral consequences and protect the presumption of innocence (Rep. Fluker Oakley, Sen. Boncore).** Provides for immediate sealing of criminal and juvenile charges that

ended favorably in a dismissal, nolle prosequi, not guilty finding, or other non-conviction disposition unless the person objects to such sealing. Expands hold back provisions for standard CORI access in G.L. c. 6, s. 172, and limits the CORI access of housing, employment, and professional license screeners to for up to 3 years for a misdemeanor and 7 years for a felony to be consistent with new sealing waiting periods that became effective in 2018. Also, provides that CORI reports will include language about the presumption of innocence in the absence of a conviction.

[H1825 S947](#). **An Act supporting survivors of trafficking and abuse and encouraging increased access to opportunities through expungement and/or sealing of records (Rep. Nguyen, Sen. Chang-Diaz)**. Would permit survivors of trafficking and abuse to seal or expunge criminal charges where the offense occurred while the petitioner was a victim of act(s) constituting abuse, human trafficking, and/or act(s) that by force, threat or duress cause another to involuntarily engage in sexual relations, and the petitioner can establish a connection between the offense and having been a victim of the aforementioned act(s) and it appears to the court that justice would best be served by the sealing or expungement of the record(s).

[H1904 S1048](#). **An Act ensuring equitable access to cannabis related expungement (Rep. Tyler, Sen. Gomez)**. Permits a person who is eligible for expungement of a decriminalized offense for possession to expunge the charge without a hearing and to also seek expungement of a charge for distribution if it arose because of the same incident involving illegal possession of an amount that is now decriminalized. Permits a person who is incarcerated due to a possession of marijuana that is now decriminalized to seek release from incarceration.

[H1531 S980](#). **An Act relative to expungement of juvenile and young adult records (Rep. Decker, Sen. Creem)**. Fixes the narrow juvenile expungement law and promotes jobs by: (1) removing the cap on the number of juvenile court charges that can be expunged and allowing expungement of any juvenile offense except never sealable sex offenses or certain serious violent offenses; (2) stops juvenile fingerprints from being sent to the FBI, which otherwise affects federal job opportunities and functions like a lifetime criminal record.

[S957](#). **An Act empowering individuals affected by substance abuse to rebuild their lives (Sen. Comerford)**. Requires sealing of certain criminal or juvenile drug offenses under chapter 94C section 34 within 90 days from the date that the charge ends in dismissal, nolle prosequi, or not guilty finding, unless the person objects. These drugs charges also will be sealed, absent an objection, after the person's last court appearances or incarceration under section 100A of chapter 276 within 90 days if the person completed drug treatment, or a year later if there was no treatment where the charge was a misdemeanor, and 3 years later if charge was for a felony.

[S931](#). **An Act relative to sealing of records pursuant to Section 100C of Chapter 276 (Sen. Brownsberger)**. Corrects what appear to be clerical errors in the criminal justice reform bill enacted in 2018. The bill adds records sealed under section 100C of chapter 276 to the privacy protections afforded to records under sections 100Q and 100T after the records are sealed under section 100A and 100B of ch. 276. The bill amends section 100C of ch. 276 to make sealed criminal records under that section inadmissible in court or other proceedings in the same way that records with the same dispositions and sealed under section 100A are inadmissible. Otherwise, records sealed in court for cases that did not end in a conviction will receive less protection than convictions.

PREVENT HARM AND SUPPORT FAMILIES AND COMMUNITIES

[S1559 H1900](#). An Act relative to inmate telephone calls/An Act relative to telephone service for inmates in all correctional and other penal institutions in the Commonwealth (Rep. Tyler, Sen. Creem). These bills provide for no-cost phone calls, which serve as a lifeline to people who are incarcerated and are important for later successful return home and to the workforce. The bills end the problem of kick-backs and exploitive phone rates that hurt families who are often struggling to support the children of an incarcerated parent. Studies show contact with loved ones helps people deal with the harsh conditions of confinement, leads to better outcomes, and reduces violence and recidivism.

[H1794 S1022](#). An Act to prevent the imposition of mandatory minimums sentences based on juvenile cases (Rep. Miranda, Sen. Eldridge). Would stop use of juvenile charges as predicate offenses that trigger mandatory minimum sentences. Use of juvenile cases to trigger mandatory sentences is unfair because the brain is not fully developed until about age 25, and youth from communities of color are disproportionately involved in the criminal court system. A jail or prison sentence on a CORI report also can create serious and life-long barriers to jobs, training, and other opportunities.

[H2460 S1551](#). An Act relative to successful transition and re-entry to tomorrow for incarcerated persons (Rep. Fluker Oakley & Sen. Chang-Diaz). Many people released from jail or prison do not have an ID, which blocks their access to services, benefits, jobs or driver's license. This bill makes it easier to get an ID by letting people list an alternative address if they have no permanent home, and ensures people are given the option to receive identification before release from jail or prison.

STOP BUILDING AND EXPANDING JAILS



[H1905 S2030](#). An Act establishing a jail and prison construction moratorium (Rep. Tyler, Rep. Sabadosa, Sen. Comerford). Establishes a 5-year moratorium on planning or construction of new correctional facilities, or expansion of capacity of existing facilities, or renovating or converting any existing or dormant facility to change or expand the populations incarcerated in that facility, or repair of existing or dormant facilities other than for maintenance or code compliance. Millions are already spent on incarceration that need to be re-invested into treatment, housing, training, jobs, re-entry programs, and communities.

For more information, contact Pauline Quirion at pquirion@gbls.org or 617-710-5515 or Ventura Dennis at vdennis@gbls.org or 617-603-1642