

SEALING RECORDS AT A GLANCE

Most criminal records can be sealed through an administrative process by mail after a waiting period, or by a judge without a waiting period. Get certified copies of docket sheets before you seal cases in case you need these later. If you are not a citizen, get advice from an immigration lawyer before sealing your records.



ADMINISTRATIVE PROCESS. (G.L. c. 276, § 100A). Most closed cases can be sealed after a waiting period by mailing (or hand delivering) a form to the Commissioner of Probation.



COURT PROCESS TO SEAL. Some closed cases may be sealed by the court that handled the cases without a waiting period. (G. L. c. 276, §100C; c. 94C, §§ 34, 44).

- **All cases must be closed** and the waiting period for sealing each misdemeanor is 3 years, and 7 years for each felony. A new conviction or incarceration re-starts the clock on all cases until the waiting period on each case is also completed.
- Convictions can only be sealed through this administrative process, except for a 1st time drug possession conviction which can also be sealed by a judge.
- Cases that ended in a “not guilty” finding, a dismissal or a nolle prosequi (D.A. dropped the case) can be sealed by this same process after the same waiting periods, **OR** by a judge in court without a waiting period.
- Juvenile cases can be sealed after a 3 year waiting period.
- Decriminalized cases (e.g., possession of 2 ounces or less cannabis; being in presence of heroin) can be sealed without any waiting period.

Convictions for Certain Offenses (But Not Dismissals or Non-Convictions) Have Longer Waiting Periods or Can Never Be Sealed. (G.L. c. 276, § 100A; c. 268-268A; c. 140, § 121-131H).

- Misdemeanor convictions for violations of abuse prevention and harassment prevention orders have a felony waiting period (7 years).
- Sex offense convictions requiring registering with the Sex Offender Registry are not eligible to seal until 15 years after the last event in the case such as probation or jail release. Level 2 or 3 status bars sealing of most cases.
- Public justice crime **convictions** (e.g. witness intimidation, escape from jail) and certain **convictions** for violations of firearms, ethics, and conflicts of interest laws (e.g. bribery of an elected official) can NEVER be sealed. **The law changed in 2018 and resisting arrest convictions are now sealable.**

A judge can seal records after a hearing for:

- a case where you were found “**not guilty**,” or where the case was **dismissed** or ended in a **nolle prosequi**, or
- a first time drug **possession** conviction where you did not violate court orders or conditions connected to being on probation such as drug treatment or community service.

The court process to seal cases is free and involves filing a petition and going to one or two hearings.

- Notice of the final hearing must be posted at the courthouse for at least 7 days.
- The legal standard to seal records is “good cause” because of a recent SJC ruling in *Commonwealth v. Pon*, 469 Mass. 296 (2014). You do not need to “risk of specific harm” and only need to show a credible “disadvantage” now or “likely to exist in the foreseeable future” due to your CORI.
- Judges may take “judicial notice that the existence of a criminal record, *regardless of what it contains*, can present barriers to housing and employment opportunities.”
- After you seal your record, you can say “I have no record” when interviewing for jobs, housing, trade licenses. G.L. c. 276, § 100A.
- **Important.** The felony larceny threshold has increased from \$250 to \$1200 which means larceny up to \$1200 now should be sealable after a 3 year waiting period using the mail-in process. G.L. c. 276, §100A. The Commissioner of Probation does not check whether a felony larceny case should be treated as a misdemeanor because the law changed. If your larceny case up to \$1200 is denied sealing and treated as a felony for purposes of sealing, call us for help at 617-371-1234, or email us at cori@gbls.org or join us for a zoom or read booklets on our website at: <https://www.gbls.org/what-we-do/cori-and-reentry>

LINKS TO CORI AND SEALING RELATED MATERIALS

CORI & Juvenile Record Self-help Materials

<https://www.gbls.org/self-help/cori>

Juvenile Record Sealing App

<https://interviews.gbls.org/run/sealing/#/1>

MassLegalHelp

<https://www.masslegalhelp.org/cori>

CORI Help Zooms

GBLS-BBA Zoom on 2nd and 4th Wednesdays at 2pm to 4pm

<https://bostonbar.org/in-the-community/public-service/cori-sealing-project>

Government Sites

Department of Criminal Justice Information Services (CORI report requests and other forms)

<https://www.mass.gov/massachusetts-criminal-offender-record-information-cori>

Commissioner of Probation (State agency that seals records)

<https://www.mass.gov/how-to/request-to-seal-your-criminal-record>

2018 Criminal Reform Bill Summaries

Senator Brownsberger Summary

<https://willbrownsberger.com/section-by-section-of-criminal-justice-reform-package/>

Sealing and Expungement after Massachusetts Criminal Justice Reform

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<https://www.massbar.org/docs/default-source/publications-document-library/massachusetts-law-review/2018/mlrvol100no4.pdf>