



CORI

How to Seal and Expunge Criminal Records

October 2023

The CORI Problem



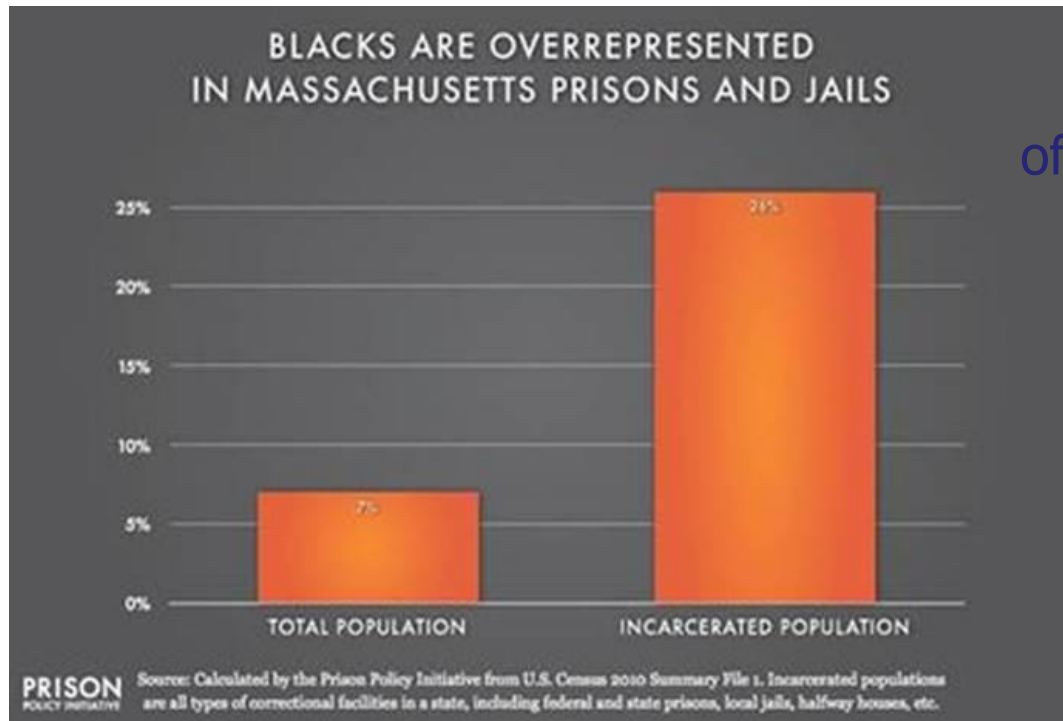
The number of people with criminal records has reached epidemic proportions.

Nationally, as many as 1 in 3 people and over 100 million people have criminal arrest records on file in a state repository.

Sources: Bureau of Justice Statistics. Survey of Criminal History Systems, 2012 (US Dept. of Justice 2014). U.S. Dept. of Justice Bureau of Statistics (2007); Pew Center on the States, One in 100: Behind Bars in America 2008 (2008); The Attorney General's Report on Criminal History Background Checks (U.S. Department of Justice, Office of the Attorney General, June 2006).

Racial Disparities

Media and government officials often focus on MA having lower incarceration than other states, not on rates of people of color in jail or prison in our state.



Blacks and Latinx people are over 50% of those incarcerated, but only 17% of the MA population.

Blacks are 7% of MA population and 26% of those incarcerated

www.prisonpolicy.org/profiles/MA.html

Getting Ready for Sealing



- Get certified copies of the complaint, docket before sealing in case you need them later.
- You can no longer get copies at the courthouse unless you UNSEAL your cases.
- If you are not a citizen, get a consult with an immigration lawyer.



Check if You Can Re-Open Convictions Before Sealing

- Dookhan and Farak drug lab scandals.
- CPCS no longer has special unit to re-open drug convictions but a form is online to ask for help.
<https://www.publiccounsel.net/dlclu/old/> or call **1-888-999-2881**
- Certain convictions or CWOFF's can be grounds for removal or deportation as well as loss of jobs and other opportunities so you'll want to re-open them before sealing them..



How Can I Seal CORI?

There are two ways to seal most cases:

- Through probation by mail after a 7 year wait for a felony and a 3 year waiting period for a misdemeanor (G. L. c. 276, § 100A) or with no wait if offense decriminalized (2 ounces or less marijuana);
OR
- by a judge without a waiting period in court in some types of cases. (G. L. c. 276, § 100C). **(Discussed later.)**



Sealing Through Probation

- The administrative process under G.L. c. 276, § 100A is free and involves filling in and mailing or hand-delivering a form to the Commissioner of Probation after a waiting period.
- The waiting period is 3 years for a misdemeanor and 7 years for a felony. USE ONLY THE NEWER FORM.
- **You cannot have any OPEN cases in any court. If you are on probation, your case is open.**
- CAVEAT: Felony larceny increased from \$250 to \$1200 so cases at or below \$1200 should be treated as misdemeanors, but not currently screened by OCP as to whether the cases should have a shorter waiting period. If you see felony larceny before 2019, ask your client for amount!

PETITION TO SEAL

TO: Commissioner of Probation, One Ashburton Place, Room 405, Boston, MA 02108

SELECT appropriate box(es). If 1, 2, or 3 are selected you must sign the corresponding numbered Affidavit below.

PART A

1 - 4

1

☐

Section 100B - Chapter 276. Delinquency (juvenile) cases, all sentence elements of which, and of any subsequent court appearances, were completed 3 years prior to this request.

2

☐

Section 100A - Chapter 276. Misdemeanor cases, all sentence elements of which, and of any subsequent court appearances, were completed 3 years prior to this request (or, which was a felony when committed, and is presently a misdemeanor).

3

☐

Section 100A - Chapter 276. Felony cases, all sentence elements of which, and of any subsequent court appearances, were completed 7 years prior to this request. For eligible sex offenses 15 years prior to this request.

4

☐

Section 100A - Chapter 276. Recorded offense which is no longer a crime, except where the elements of the offense continue to be a crime under a different designation.

Print _____
Last Name First Name Middle Name Date of Birth _____

Alias/Maiden/Previous Name _____

Mailing address _____ City _____ State _____ Zip _____

Occupation _____ Social Security # _____ Place of Birth _____

Father's Name _____ Mother's Maiden Name _____ Husband/Wife's Name _____

Petitioner's Signature _____

In accord with the provision of Chapter 276, Sections 100A, and 100B, as established by Chapter 686 of the Acts of 1971, Chapter 404 of the Acts of 1972, Chapter 322 of the Acts of 1973 and Chapter 256 of the Acts of 2010, respectively, I hereby request that my record of adult criminal and/or juvenile Massachusetts court appearances and dispositions be sealed forthwith.

To the best of my knowledge:

1.

☐

a) My delinquency court appearances or dispositions including court supervision, probation, commitment or parole, the records for which are to be sealed, terminated not less than three years prior to said request; b) I have not been adjudicated delinquent or found guilty of any criminal offense within the commonwealth in the three years preceding such request, except motor vehicle offenses in which the penalty does not exceed a fine of fifty dollars nor been imprisoned under sentence or committed as a delinquent within the commonwealth within the preceding three years; and c) I have not been adjudicated delinquent or found guilty of any criminal offenses in any other state, United States possession or in a court of federal jurisdiction, except such motor vehicle offenses as aforesaid, and have not been imprisoned under sentence or committed as a delinquent in any state or county within the preceding three years.

Signed under penalties of perjury,

2.

☐

Signature of Petitioner _____

To the best of my knowledge:

3.

☐

a) All of my court appearance and court disposition records, including any period of incarceration or custody for any misdemeanor occurred not less than three years prior to this request; b) that my court appearance and court disposition records, including any period of incarceration or custody for any felony occurred not less than seven years prior to this request; c) that I have not been found guilty of any criminal offense within the commonwealth in the case of a misdemeanor, three years before such request, and in the case of a felony, seven years before such request, except motor vehicle offenses in which the penalty does not exceed a fine of fifty dollars; d) I have not been convicted of any criminal offense in any other state, United States possession, or in a court of federal jurisdiction, except such motor vehicle offenses as aforesaid, and have not been imprisoned in any state or county in the case of a misdemeanor within the preceding three years and in the case of a felony the preceding seven years; and e) my record does not include convictions of offenses other than those to which the section applies, or convictions for violations of sections 121 to 131H, inclusive, of chapter 140 or for violations of chapter 268 or chapter 268A, except for convictions for resisting arrest.

Signed under penalties of perjury,

Signature of Petitioner _____

PETITIONER NOT TO WRITE BELOW THIS LINE

Petition Allowed/Disallowed

01

02

03

04

Allowed (Copy to Clerk and Probation Office)

Reason for Disallowance (Copy to petitioner only)

(OCP 4/12)



How Waiting Periods Work

Starting the CORI clock. For any conviction, the waiting period starts from the date you were found guilty OR released from incarceration-- **whichever is later**. For example:

- Joe was found guilty of a **misdemeanor** on May 4, 2020 which has a 3 year waiting period. He was then on probation for a year and the case was closed on May 4, 2021. He can seal the case by mail on May 4, 2023-- 3 years after he was found guilty.



Special Waiting Periods

Some convictions have longer waiting periods.

- **Abuse prevention and harassment order conviction exception.** **Convictions** for violations of abuse prevention and harassment prevention orders are treated as felonies for purposes of sealing records and have a 7 year waiting period.
- **Sex offense conviction exception.** Any **conviction** for a sex offense that required registering with the Sex Offender Registry is not eligible for sealing until 15 years **after** the very last event in the case, **including** the end of any period of supervision, probation, parole, or release from incarceration.

Sex Offender Status

- **Persons in the sex offender registry.** Person presently registered as a sex offender is NOT permitted to seal any sex offense conviction. Person can seal other types of cases that are eligible for sealing.
- **Level 1 status and no longer in Registry.** Person can seal all types of cases that are eligible for sealing once no longer required to register as a sex offender, but 15 yr. wait applies to sex offense convictions.
- **Level 2 and 3 Sex Offender Status.** If ever registered as a Level 2 or Level 3 sex offender, he or she can NEVER seal convictions for certain sex offenses (*i.e.* rape of a child, assault with intent to rape, drugging a person for sex and other offenses as defined by Section 178C of Chapter 6 of the Mass. General Laws). *But see, SJC Koe case.* Person can seal other offenses.



Never Sealable Offenses

- A **conviction** of any person for a **crime against public justice**, such as witness intimidation, or escape from jail can NEVER be sealed. **Public justice** crimes and **state ethics and conflicts of interest offenses** are under c. 268 and c. 268A.
- Law changed in 2018. **Resisting arrest** conviction is sealable.
- Some **firearms convictions** and **convictions for violations of the state ethics and conflicts of interest laws** (*i.e.* bribery of an elected official, etc.) can NEVER be sealed. S. 121-131H, c.140.

IMPORTANT. Even if you have a *conviction* that can never be sealed, you can still seal other cases that are eligible for sealing. If your case for one of these never sealable crimes was dismissed, etc., the case can be sealed. **Only convictions can't be sealed.**



Sealing Juvenile Records

Don't forget to seal juvenile cases that also can create barriers to employment or other opportunities.

- Process is free and the same form used as for adult cases is used to seal juvenile records.
- Send the form to the Office of the Commissioner of Probation by mail after a 3 year wait from the date after the last case closed. (G. L. c. 276, § 100B).



Youthful Offender cases

- New controversy.
- Commissioner is treating youthful offender cases as adult cases by imposing felony 7 year waiting periods and treating certain YO offenses as never sealable.
- SJC case now pending (SJC-13465)



Cases That Can Be Sealed in Court Without Waiting

A judge in the court that handled the criminal case has the power to seal:

- (a) any case where you were found not guilty;
- (b) any case that was dismissed or ended in a nolle prosequi (a case dropped by the District Attorney); and
- (c) a first time drug **possession** conviction where the person did not violate any court orders connected to being on probation such as going to drug treatment or doing community service.

Statutory Authority: G. L. c. 276, § 100C; G.L. c. 94C, §§ 34, 44.

New SJC Case on Not Guilty Dispositions

- New court decision requires immediate sealing of offenses that end in a not guilty finding. *Commonwealth. v. J.F.*, 491 Mass. 824 (2023).
- SJC found it was not unconstitutional to seal cases upon entry of a not guilty finding.
- Court will set up process for this to happen automatically, but for now request sealing order until there is a protocol.



Court Process to Seal Cases

- The process to seal cases in court is free under G.L. c. 276 Section 100C.
- It involves filing a petition to seal and going to court for 1 or 2 hearings.
- Limited to District Court, Superior Court and Boston Municipal Court.
- No sealing of federal court or out-of-state case sealing cases.



What to File in Court

- Petition to seal in court which handled the case. One exception: Boston Municipal Court Standing Order 1-09.
- Affidavit is usually helpful.
- Also helpful to file support letters, certificates, favorable documents.
- Deliver or mail copy to D.A. when you file the petition in court.



Petition Form

PETITION TO SEAL RECORD(S) under G. L. c. 276, § 100C		TRIAL COURT OF MASSACHUSETTS		
<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT	<input type="checkbox"/> SUPERIOR COURT	<input type="checkbox"/> JUVENILE COURT	DIVISION/COUNTY: _____
Petitioner's Name: (please print)		Petitioner's Address: (please print)		Tel. # _____ PCF # _____
DOCKET NUMBER	OFFENSE/CHARGE (Please list each one on a separate line.)	DISPOSITION DATE	DISPOSITION	COURT USE ONLY
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
				<input type="checkbox"/> seal
<input type="checkbox"/> Please see the attached continuation sheet listing additional case(s).				
I request this Court to order that the record(s) of the criminal charge(s) listed above be sealed, for the following specific reasons: (Please print and attach documents as necessary)				
DATE:		SIGNED UNDER THE PENALTIES OF PERJURY Petitioner's Signature:		
ORDER OF COURT				
<input type="checkbox"/> A hearing on the merits of the petition to seal is scheduled on _____, 20____, at _____ AM/PM (no sooner than 7 days). The clerk-magistrate shall ensure that notice of the hearing is given to the probation department and the prosecutor's office, and shall post a copy of the petition on a public bulletin board until the scheduled hearing. The prosecutor's office is advised to give notice to the victim(s), if any, and to inform the victim(s) s/he/they may appear and be heard.				
<input type="checkbox"/> After review of the petition and any attachments, and/or a preliminary hearing, the Court finds that no prima facie case in favor of sealing has been shown, and the petition to seal is DENIED .				
DATE:		JUDGE'S SIGNATURE:		

[illegible]



One or two hearings

- Some courts may require a preliminary hearing and a second final hearing.
- Others will hold a single hearing.
- The SJC sanctioned use of a one hearing process in *Commonwealth v. Pon*, 469 Mass. 296 (2014).



Public Posting

- Courts must post notice of a final hearing on a sealing petition at least 7 days before the hearing.
Commonwealth v. Doe, 420 Mass. 142, 150 (1995)
("notice should be afforded by means of posting in a conspicuous place at the court for an adequate period sufficient (we suggest a minimum of seven days) 'to give the public and press an opportunity to intervene and present their objections to the court.' ")
- Posting time may be longer depending on the court and petition is posted in or near the clerk's office.



Legal Standard

It is easier to seal cases.

- G.L. c 276, §100C, para. 2 permits sealing if “substantial justice would be best be served” by sealing, but the phrase is undefined.
- In *Com. v. Pon*, 469 Mass. 296 (2014), the SJC overruled prior case law and clarified the legal standard by stating that cases can be sealed for “good cause.”
- The SJC gave guidance in *Pon* as to how judges should approach criminal sealing cases.



Legal Standard (cont.)

- The SJC said the Commonwealth has “compelling governmental interests in reducing recidivism, facilitating reintegration, and ensuring self-sufficiency by promoting employment and housing opportunities for former criminal defendants.”
- The SJC said there is a compelling state interest in parents being able to support their children.



Guidance in Com. v. Pon

- For the first time, the SJC said 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.
- Petitioners no longer have to link a particular charge on their record to a specific harm. “It is unrealistic . . . to require a defendant to prove causation . . . and instead, we entrust the assessment of a *plausible* relationship between CORI availability and the alleged adversity . . . to the sound discretion of the judge.”



Burden of Proof: a Present or Foreseeable “Disadvantage”

- G.L. c. 276, After *Pon*, petitioners can meet the burden of proof if there is “good cause” which entails a present or future foreseeable “disadvantage” that stems from the CORI that is credible. Factors to consider related to CORI:
- risk of unemployment/underemployment;
- housing problems or risk of homelessness;
- use of CORI by employers or licensors in one’s present occupation or desired occupation;



Factors and Evidence of a Disadvantage (continued)

- receipt of public assistance for oneself or one's family despite efforts to get a job;
- denial of or impeded ability for participation in volunteer or community activities;
- amount of time since the offense or arrest (a greater amount of time favors sealing);
- sobriety and rehabilitation efforts of the petitioner;
- self-improvement efforts or community contributions;
- successful completion of probation;



Factors and Evidence of a Disadvantage (continued)

- other accomplishments after the offense;
- circumstances at the time of the offense (*e.g.* youth may be a mitigating factor); stigma or stereotypes attached to a particular offense if the defendant will not pose an additional safety threat to the community; and
- reason for the disposition.



Courtroom Process

- Judge will have CARI report.
- Not unusual for prosecutor to not assent or object esp. if violent offense.
- Order needs to signed by both judge & probation, and mailed to Commissioner.
- If you lose, motion to reconsider or appeal due within 30 days.
- Re-filing a petition allowed if you lose.

COVID-19 Procedures

- Some courts may still conduct zoom hearings or by phone, but a motion might be needed.
- Be sure to call and visit the court website for the most up to date information.
- Court standing orders are available at <https://www.mass.gov/guides/court-system-response-to-covid-19>.



Expunging v. Sealing

Sealing limits access to records. Expungement destroys the records.

- Do **NOT** expunge records, and talk to an immigration lawyer about your records if you are not a citizen before sealing or expunging records.
- Do **NOT** expunge a drug case dismissed due to drug lab scandal (e.g. Dookhan case) without talking to a lawyer; lawsuits are pending that may let you get money back for fees or expenses you paid in the case.
- If you decide to expunge, get multiple or as many certified copies of docket sheets and other records as you may need later.
- Once your Mass. records are expunged, you may be unable to get copies of court, police, or other records that were destroyed that you need.
- The FBI may have records related to your cases even if you seal or expunge your records and these records often lack final outcomes. If records are expunged, you may be unable to show how your case ended. Criminal cases are grounds for deportation or exclusion. Certified copies may be needed if you apply for jobs with high security or FBI checks.



Expungement

There are two new types of expungement in effect:

- Juv. & Under 21 Only: After a waiting period for up to two cases handled by juvenile court, or where the person was under age 21 at time of the offense in adult court. G.L. c. 276, §§ 100F-H.
- Section 100K expungement: for both adult and juvenile cases without age restrictions, but limited to identity issues, decriminalized cases, certain errors in the criminal legal process, or other miscarriages of justice. G.L. c. 276, § 100K.



Juvenile & Under Age 21 Expunging

- **No fee and petition is filed with the Comm. of Probation, One Ashburton Place, Boston.**
- Lots of requirements and many exclusions.
- Only 2 cases in juvenile court or in adult court if person was under age 21 at time of the offense. G.L. c. 276, §§ 100F-H.
- Waiting period of **7 years** for a felony and **3 years** for a misdemeanor before filing petition.
- Subject to many exclusions based on type of charge.



Juvenile & Under 21 Expunging

- The 2 juvenile or criminal cases to be expunged must be your only 2 cases, except for motor vehicle charges with a penalty not over \$50;
- You are not eligible to expunge if you are under active criminal investigation.
- There may be a court hearing; the judge can grant or deny a petition based on “the best interests of justice.”



Juvenile & Under 21 Expunging

The law excludes many charges.

- *E.g.*, ch. 265 felonies such as murder, rape, sex offenses, assault & battery with a dangerous weapon; crimes against the elderly, disabled, or children; OUI's; reckless driving or failure to stop after collision, firearms offenses; offenses while armed with a dangerous weapon; robbery; restraining order violations; human trafficking; kidnapping; or stalking.
- Even dismissals for these charges are excluded.



Juvenile. & Under 21 Expunging

Examples of charges that might be expunged.

- disorderly conduct, larceny, shoplifting, trespass, tagging, drug possession or distribution, prostitution, indecent exposure, resisting arrest, some RMV offenses, misdemeanor assault and battery with some exceptions.
- **Note misdemeanor** assault battery a child, spouse, parent of your child, or person you are dating excluded under c. 265, § 13M.

PETITION TO EXPUNGE

TO: Commissioner of Probation, One Ashburton Place, Room 405, Boston, MA 02108

SELECT appropriate box.

1. ☐ **Delinquency (juvenile) adjudication or youthful offender conviction. Section 100F - Chapter 276.** I ask that the Court expunge my delinquency (juvenile) adjudication or youthful offender conviction, a misdemeanor for which I completed all parts of my sentence at least 3 years ago, or a felony for which I completed all parts of my sentence at least 7 years ago.
2. ☐ **Adult conviction. Section 100G - Chapter 276.** I ask that the Court expunge my adult conviction, a misdemeanor for which I completed all parts of my sentence at least 3 years ago, or a felony for which I completed all parts of my sentence at least 7 years ago.
3. ☐ **Delinquency (juvenile) non-adjudication or any youthful offender or adult non-conviction. Section 100H - Chapter 276.** I ask that the Court expunge my delinquency (juvenile) non-adjudication or youthful offender or adult non-conviction, a misdemeanor for which I completed all parts of my sentence at least 3 years ago, or a felony for which I completed all parts of my sentence at least 7 years ago.

Print: _____ Date of Birth: _____
(Last Name) (First Name) (Middle Name)

Alias/Maiden/Previous Name: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Occupation: _____ Social Security # _____ Phone # _____

Father's Name: _____ Mother's Maiden Name: _____ Spouse's Name: _____

Race: ☐ Asian ☐ American Indian/Alaskan Native ☐ Native Hawaiian/Pacific Islander
☐ Black/African American ☐ White ☐ Other/Mixed Race

Ethnicity: ☐ Hispanic or Latino ☐ Not Hispanic or Latino

Gender: _____

Signature of Petitioner: _____

I understand and acknowledge that signing this petition means all of the statements below are true of the offense I am seeking to have expunged:

- I was under 21 years of age at the time the offense was committed;
- I have no additional offenses (other than minor motor vehicle violations) in Massachusetts or any other jurisdiction;
- I am not currently the subject of an active criminal investigation by any criminal justice agency;
- If the offense is a misdemeanor, all custody (including probation) ended at least 3 years ago;
- If the offense is a felony, all custody (including probation) ended at least 7 years ago;
- The offense did not result in death or serious bodily injury nor was the offense committed with the intent to cause death or serious bodily injury;
- The offense was not committed while armed with or carrying a dangerous weapon;
- The offense was not committed against an elderly or disabled person;
- The offense is not a sex offense, a sex offense involving a child, or sexually violent offense;
- The offense is not Operating Under the Influence (of liquor or drugs);
- The offense is not a firearms violation or a violation for illegal sale of a firearm;
- The offense is not a violation of any restraining or harassment prevention orders;
- The offense is not an assault or assault and battery on a household member; and
- The offense is not a felony violation of General Laws Chapter 265.

Signed under penalties of perjury

Signature of Petitioner

Date



Section 100K Expungement

- No filing fee.
- The petition is filed with the court that handled the case.
- Hearing held if petitioner or D.A. asks for it.
- Applies to adult and juvenile cases.
- No waiting periods.
- Not limited to as to number of cases or charges.



Section 100K Expungement (cont.)

- The record must have been created as a result of:
- False or unauthorized use or theft of a person's identity;
 - a decriminalized offense (e.g. marijuana possession under 2 ounces, being in presence of heroin, etc.);
 - demonstrable errors by law enforcement;
 - demonstrable errors by witnesses (civilian or expert);
 - demonstrable errors by court employees; or
 - demonstrable fraud perpetrated on the court.



Juvenile OR adult criminal cases— file in the court that handled case

PETITION FOR EXPUNGEMENT G.L. c. 276, § 100K		DOCKET NO.	Trial Court of Massachusetts
YOUR NAME AND ADDRESS 		COURT DEPARTMENT	
		<input type="checkbox"/> Boston Municipal Court <input type="checkbox"/> District Court	<input type="checkbox"/> Juvenile Court <input type="checkbox"/> Superior Court
		COURT DIVISION	
<input type="checkbox"/> I request the assistance of an interpreter for the following language: _____ (There is no charge to you for interpreter or translation services)			
I request that this Court order that the records of the following charges be expunged (list charges): 			
I make this request because the records were created as a result of: <input type="checkbox"/> False use of my identification <input type="checkbox"/> Unauthorized use of my identity <input type="checkbox"/> Theft of my identity <input type="checkbox"/> The offense(s) described above is/are no longer a crime <input type="checkbox"/> Errors by law enforcement <input type="checkbox"/> Errors by civilian or expert witness(es) <input type="checkbox"/> Errors by Court employees <input type="checkbox"/> Fraud perpetrated upon the Court			
Specifically (provide as much detail as possible explaining the reasons for your request): 			
<input type="checkbox"/> I request that the Court hold a hearing on my petition. <input type="checkbox"/> If you need more space to explain, check this box and continue in the space provided on the back of this sheet. You may also attach additional pages if necessary. <input type="checkbox"/> If you have documents that support your petition, check this box and attach them to this petition.			
I provided this petition and supporting documents to the District Attorney's Office of the county that prosecuted the case <input type="checkbox"/> by delivering a copy in hand OR <input type="checkbox"/> by mailing a copy via first class mail to the District Attorney's Office on _____			
Date _____			
swear under the pains and penalty of perjury that all information I provided in this Petition is true to the best of my knowledge and belief.			
DATE:		PETITIONER'S SIGNATURE	

Please see reverse side for instructions and space for additional information.

Rev. 10.12.18)



New SJC case on section 100K expungement

- Com. v K.W., 490 Mass. 619 (2022).
- SJC said there is a “strong presumption” in favor of expunging criminal records if you meet one of the six section 100K grounds such as decriminalized offense.
- Having other offenses on your record is not a reason to deny the petition.
- Perceived lack of benefit is not a ground to deny the petition if the offense is eligible.



New statute on marijuana expungement

- G.L. c 276 § 100K 1/4 requires expungement of decriminalized marijuana offenses within 30 days of filing of petition.
- Makes distribution offenses eligible if arise out of same offenses.
- Requires findings even if petition denied.
- **There is a new petition form for decriminalized marijuana cases.**

Post K.W. Strategies

- Less need to request hearings.
- Will need to tie past distribution offenses to the underlying decriminalized marijuana offense, such as possession of 2 ounces or less or cultivation of no more than 12 plants at home. G.L. c. 94G, § 13.

The FBI logo, consisting of the letters "FBI" in white, bold, sans-serif font, centered within a solid black square.

AFTER an expungement order.

- After a record is expunged, Massachusetts law now provides that no person whose record was expunged shall be held guilty of perjury or giving a false statement due to a failure to acknowledge the record in response to any inquiry made for any purpose.
- You can say you have “no record” after an order of expungement.
- The law provides that an expungement or sealing order is sent to the FBI and DOJ with a request they expunge or seal records of the same case, but it is not known how they will respond.



Rights after Sealing Records

- If employers ask for information that involves your sealed cases, you can answer “no record” with regard to those sealed cases when applying for jobs, **housing and trade licenses**. G.L. c. 276, § 100A as amended).
- Clerks’ offices and probation to report “no record exists” to all who ask about a record, except for “any law enforcement agency,” “any court” or “appointing authority”—meaning those given special access to sealed records. G.L. c. 276, § 100A.



Access to Sealed or Expunged Records

The law permits only certain employers and state agencies to get information about sealed records. For example:

- Criminal justice agencies (police, probation, courts, etc.) and the Department of Early Education and Care see sealed records in the hiring process.
- The Department of Youth Services & the Department of Children & Families see sealed records if you try to adopt or be a foster parent.
- Juvenile records and most sealed adult criminal records may be considered at the time of sentencing if you are found guilty in a later criminal case.
- Sealed adult criminal records may be used in restraining order and Probate and Family Court cases after review by a judge if relevant to safety of a child or party or custody or visitation.
- Expunged records will no longer exist. (Note: FBI may still have data on your case).

Thank You!

It takes a village to give people second chances

