

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, 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 is now applying the adult sealing law to youthful offender charges 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.

Support H.2326 (Rep. Fluker-Oakley) and S.1506 (Sen. DiDomenico) An Act relative to successful transition and re-entry to tomorrow for incarcerated persons (STARTT ACT)

- Requires that people in jail or prison be given IDs at least 30 days before their release, and lets them list another person's address or an agency address (with permission) on the ID if they have no home address.
- Many people have no ID upon release from incarceration. IDs can be lost during an arrest or thrown away when people fail to return to home because they cannot make bail or are sentenced to jail or prison.
- It is very difficult to get a new ID card without the old one. Lack of an ID prevents a person from applying for and obtaining employment, shelter, housing, training, benefits, or even a library card.

Contact pquirion@gbis.org with any questions.



THE CORI INITIATIVE

Center for Law and
Social Responsibility



**PUBLIC HEALTH INSTITUTE
OF WESTERN MASSACHUSETTS**

PARTNERS FOR HEALTH EQUITY

SUPPORTERS OF CLEAN SLATE AUTOMATIC RECORD SEALING

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