

HOUSE No. 1323

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act accelerating the sealing of conviction criminal offender record information..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Court hereby finds and declares that:

2 (1) The current system of maintaining and disseminating Criminal Offender Record
3 Information (known as CORI) has become an all-but-impossible barrier for most ex-offenders
4 and other individuals with CORI with respect to their securing employment, housing, education,
5 training, credit and other necessities of mainstream society, so that they may become productive
6 and tax-paying citizens or residents of the Commonwealth;

7 (2) While the Commonwealth and the Federal Government spend millions of dollars to
8 train and assist unemployed persons to enter the workforce, these efforts are unacceptably
9 frustrated by the current CORI system, so that the Commonwealth is spending the taxpayers'
10 money to fund governmental efforts which are often in contradiction to each other; and

11 (3) In addition to the state interest in safeguarding the reputations and privacy of the
12 Commonwealth's residents, there is, collectively, a compelling state interest to seal stale or
13 otherwise unpredictable criminal records, which state interest overcomes what might be found to

14 be a First Amendment interest in favor of keeping these governmental records available to the
15 more than ten thousand organizations which now have access to CORI.

16 SECTION 2. Section 100A of chapter 276 of the General Laws is hereby amended by
17 striking the first paragraph and inserting in place thereof the following paragraphs: --

18 The commissioner of probation shall seal, as directed in the next sentence, every
19 case record in the probation central file in which there is either a conviction or the record is
20 otherwise not sealable as a non-conviction record under the provisions of section 100C of this
21 chapter. The commissioner shall seal every such case whose final disposition, including any
22 term of probation, incarceration or parole, so that a record of a misdemeanor is sealed three years
23 after its final disposition, and a record of a felony is sealed seven years after its final disposition.

24 The commissioner of correction, as to discharges from state correctional
25 institutions, the several sheriffs, as to discharges from the county houses of correction, and the
26 chairman of the parole board, as to discharges from parole, shall send appropriate information to
27 the commissioner of probation for all cases covered by this Act.

28 SECTION 3. This Act shall take effect one year after it is approved and shall be
29 complied with as expeditiously as possible, starting with case records showing the earliest final
30 dispositions occurring on or after January 1, 1973.