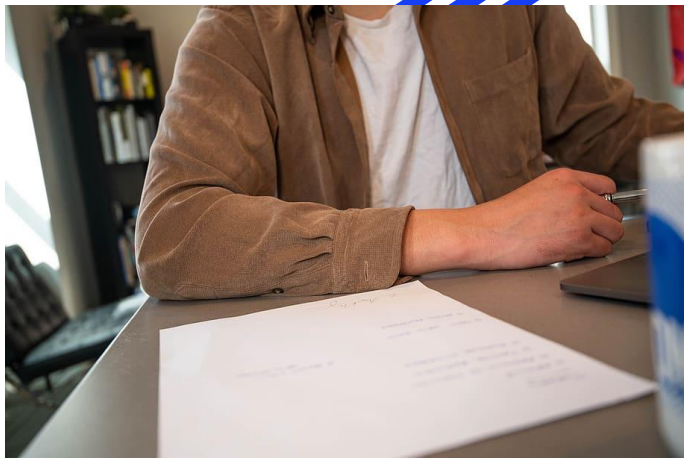

CORI Sealing & Expungements

MRCC

MA | RECREATIONAL CONSUMER COUNCIL

LEGAL SERVICES CENTER

LSC

CENTRO DE SERVICIOS LEGALES

HARVARD LAW SCHOOL

APOTHCA

LIBERTY CANNABIS CARES

cultivate

Growth starts here.

What is CORI and Who Can View It?

- Criminal Offender Record Information
- Official Massachusetts criminal record
- Landlords, employers, public housing programs, schools, daycares, banks
- Can see adult pending, conviction, and non-conviction data
- Cannot see criminal cases from other states, federal court cases, civil cases or juvenile cases

What is CORI Sealing?

- Does not erase the record
- Makes it so most employers, landlords, others cannot view
- Law enforcement or judiciary members can still view
- Record removed from clerk's office and no longer public record

If you are not a legal permanent resident or a citizen, you should talk to an immigration attorney before sealing

How to Request CORI?

- Fill out CORI Personal Request Form
- Request online or through the mail
- Must have valid Massachusetts License or I.D
- $25 fee unless eligible for a waiver
    - Separate form to fill out

Qualifications for a Waiver:

- Receive public assistance **OR**
- Your income after taxes is less than 125% of the poverty guidelines
- Automatically eligible if you check of that you receive Masshealth (Medicaid), SSI, EAEDC, T-AFDC, or Massachusetts Veterans' Benefits

2021 Government Poverty Guidelines:

Household Size	100% of Poverty	125% of Poverty	200% of Poverty	300% of Poverty
1	$12,880	$16,100	$25,760	$38,640
2	$17,420	$21,775	$34,840	$52,260
3	$21,960	$27,450	$43,920	$65,880
4	$26,500	$33,125	$53,000	$79,500
5	$31,040	$38,800	$62,080	$93,120
6	$35,580	$44,475	$71,160	$106,740
7	$40,120	$50,150	$80,240	$120,360
8	$44,600	$55,750	$89,200	$133,800
each additional person	$4,540	$5,675	$9,080	$13,620

CORI Request Form

https://www.mass.gov/doc/adult-personal-cori-request-form/download

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606
MASS.GOV/CJIS

Criminal Offender Record Information (CORI) Personal Request Form

If you have a valid Massachusetts I.D. or driver's license and are not submitting an indigency waiver, you may submit your CORI request online at Mass.gov/CJIS. This form is only to be used to request **your own personal CORI information**. In Massachusetts, it is illegal for an employer or any other entity to require someone to provide a copy of his/her **personal** CORI.

A money order or bank issued Cashier's or Treasurer's check in the amount of **$25.00 made out to the Commonwealth of Massachusetts** must be submitted with this form. Please note that these are the only acceptable forms of payment. **Do not send cash, personal checks, or business checks.** This form, along with payment or indigency waiver, must be mailed to the address above, **Attn: CORI Unit**.

REQUEST INFORMATION

* Are you submitting an indigency waiver? ☐ Yes ☐ No

Please note: You will need to submit an indigency waiver if you are indigent. The indigency waiver form can be found at http://www.mass.gov/eopss/docs/chsb/affidavit-of-indigency.pdf.

Requestor Details

Please type or print clearly. Items marked with an asterisk (*) MUST be completed.

* First Name: _____ Middle Initial: _____

* Last Name: _____ Suffix (Jr., Sr., etc): _____

* Date of Birth (MM/DD/YYYY): _____ Probation Central File (PCF) Number(s) (if known): _____

* Last **SIX** digits of your Social Security Number: ___ ___ -- ___ ___ ___ ___ ☐ I do not have a Social Security Number

Father's First Name: _____ Father's Last Name: _____

Mother's First Name: _____ Mother's Last Name: _____

☐ Please check this box if you would ALSO like to request your personal CORI with your former last name(s):

Former Last Name 1: _____

Former Last Name 2: _____

☐ Please check this box if you would ALSO like to request your personal CORI with your former last name(s):

Former Last Name 1: _____

Former Last Name 2: _____

Former Last Name 3: _____

Former Last Name 4: _____

Mailing Address

* Street Address: _____

Apt. # or Suite: _____ *City: _____ *State: _____ *Zip: _____

Personal Phone Number: _____

Email Address: _____

*****PLEASE NOTE: If you are requesting your CORI for immigration purposes, and you have additional paperwork regarding the names requested, please attach a copy of the paperwork to this form.*****

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services
200 Arlington Street, Suite 2200, Chelsea, MA 02150
TEL: 617-660-4640 | TTY: 617-660-4606
MASS.GOV/CJIS

Personal CORI Request Authorization

I hereby swear, under penalties of perjury, that the information I have provided above is true to the best of my knowledge and belief.

_____ _____

Signature of Individual Authorizing CORI Request *Date*

Personal CORI Request Authorization

I hereby swear, under penalties of perjury, that the information I have provided above is true to the best of my knowledge and belief.

_____ _____

Signature of Individual Authorizing CORI Request *Date*

Authentication of Signature

Please note that ALL fields in this section must be completed by the Notary Public. This section does not need to be completed if you are currently incarcerated; please proceed to the next section.

On this _____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____ (name of CORI requestor) and proved to me through satisfactory evidence of identification, which was _____ (Ex: Driver's license, passport, etc.), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

_____ _____

Signature of Notary Public (Notary stamp or seal is also required) *Date my Commission expires*

Correctional Facility Information

If you are currently incarcerated, a correctional facility official MUST complete the following section.

_____ _____

Name and rank of Correctional Facility Official (Please print.) *Phone Number*

What Can Be Sealed?

- Felonies: 7 years
- Misdemeanors: 3 years
- Juvenile Offenses: 3 years
- Level 1 Sex Offense: 15 years
- Things no longer a crime
    - *Waiting period for when these time frames begin to run, discussed in next slide*

Waiting Periods

Convictions: starts from the date you were found guilty or released from jail or prison- *whichever is later*

Continuance without a finding (CWOF): If you have a criminal case that was dismissed after a CWOF, the waiting period starts on the date of the CWOF

Non-convictions: If you were found not guilty or your case was dismissed or dropped, the 3 or 7 year waiting period runs from the date of the disposition

Juvenile: Disposition or release

Waiting Periods (Continued)

- No convictions/adjudications during waiting period or the waiting period starts over
- No waiting for things that are no longer crimes

Things that Are No Longer Crimes:

As of 12/15/16, anyone **over age 21** is allowed to have small amounts of marijuana at home and to carry up to two ounces without criminal penalties.

G.L. c. 276, § 100K

The new law covers only charges for “possession” and not “possession with the intent to distribute” or other drug crimes.

https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section13

What Can’t Be Sealed?

- Level 2 or 3 sex offenses
- Firearm offenses
- Crimes against the public (perjury, witness intimidation, aiding escape from jail)
- Bribes to public officials
- Open court cases or warrants

Sealing Overview

1. By mail
2. By court

Sealing by Mail:

- Free
- Fill out petition to seal
- Mail form to the Commissioner of Probation after waiting period is up
- Wait for confirmation (about 4-6 weeks)

Commissioner of Probation
One Ashburton Place, Rm. 405
Boston, MA 02180

Sealing By Court:

- Free
- No waiting period for adult non-convictions
- File in the court that handled your criminal case
- File petition to seal (get this form online or at the courthouse)
- May help to file a motion to seal records, an affidavit explaining how your CORI hurts you and why the judge should seal, support letters from professionals, rejection letters from employers

The Court Process:

After you file your paperwork, you will have 1 or 2 hearings

- **<u>1 step process:</u>** your first hearing will be your final hearing
- **<u>2 step process:</u>**
  - Judge enters an order at the first hearing deciding whether it is likely your case(s) will be sealed based on your circumstances
  - If judge rules in your favor, a second hearing will be scheduled where a decision will be made

Good Cause Standard:

- *Commonwealth v. Pon*, 469 Mass. 296 (2014)
- To win your case you must show that you may be at a **disadvantage** in applying for a job or housing if the employer or landlord checks your CORI
- Petitioner must demonstrate **good cause** for sealing

Disadvantages of an Unsealed CORI:

- Housing problems, homelessness
- Trouble finding employment or obtaining public assistance
- Stigma: despite successful completion of treatment and probation
- Denial of licenses and other opportunities

Factors that Support Successful Sealing

- Young age/minor role in crime
- Treatment or self-improvement since crime
- Efforts at school/work
- Length of time since crime with no new charges
- Efforts to find job/housing
- Successful completion of probation/treatment
- Other evidence showing low risk of future crimes

Petition to Seal:

Mass.gov/doc/petition-to-seal-conviction-records-form/download

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

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,

_____
Signature of Petitioner

2. ☐

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

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,

_____

Signature of Petitioner

2. ☐

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)

Rights After Sealing:

When you apply for a job after your records are sealed, you can say "I have no record."

Expungements:

Record permanently removed and destroyed so that its no longer accessible by the court or any other state, municipal, or county agencies

Different Types of Expungements:

1. Time based expungement
2. Non-time based expungement

Time Based Expungements:

<u>Must meet all of the criteria:</u>

- If the offense is a felony, you must have completed all parts of your sentence at least 7 years ago
- If your offense is a misdemeanor, you must have completed all parts of your sentence at least 3 years ago
- You have no more than 2 records *(but multiple offenses arising out of the same incident are considered a single offense)*
- The offense didn't result in death or serious bodily injury and was not committed with the intent to cause those things
- Offense wasn't committed while armed with or carrying a dangerous weapon

Time-Based Expungements (Continued):

- Offense wasn't committed against an elderly or disabled person
- Offense isn't a sex offense, a sex offense involving a child, or sexually violent offense
- Offense isn't a firearms violation or a violation for illegal sale of a firearm
- Offense isn't a violation of any restraining or harassment orders
- Offense isn't a felony violation of G.L. c. 265
- Malegislature.gov/Laws/GeneralLaws/PartIv/TitleI/Chapter265

Non-Time Based Expungement:

- Can expunge if the record was created based on:
- False use of your information
- Unauthorized use of your identity
- Theft of your identity
- Offense(s) that is/are no longer a crime
- Errors by law enforcement
- Errors by civilian or expert witness(es)
- Errors by court employees
- Fraud perpetrated upon the court

Rights After Expunging:

After your record is expunged, you can’t be found guilty of perjury or giving a false statement by not acknowledging your record if anyone inquires about it.

You can say that you have no record after expungement

Petition to Expunge:

Courtforms.jud.state.ma.us/publicforms/PROB0002

Save as PDF

PETITION TO EXPUNGE

Reset Form

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**

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

Revised: 10/11/2018

Next Steps:

- Intakes
- If not signed up and would like assistance, please email or call Julie McCormack
  - 617-390-2522
  - jmccorma@Law.Harvard.edu

Additional Resources:

Legal Services Center: CORI Sealing Initiative
https://www.legalservicescenter.org/get-legal-help/safety-net-project/lsc-cori-sealing-initiative/

Mass Legal Help
https://www.masslegalhelp.org/cori

Affidavit of Indigency:
https://www.mass.gov/files/2017-06/affidavit-of-indigency.pdf

Sample Petition to Seal:
http://masslegalhelp.org/cori/forms-folder/mail-in.-petition-to-seal-new-may-2012-sample.pdf