

CORI Sealing and Expungement

What to Expect:

- What is on a CORI and who can see it?
- Sealing a CORI
 - By 100A petition via mail
 - By 100C petition for sealing non-convictions before a judge
- Expungement – very limited application
- Never sealable offenses/Sex offender reclassification
- Immigration and sealing/expungement
- Resources

What is on a CORI and who can see it?

- CORI stands for “Criminal Offender Record Information” and it is a list of every crime you were ever charged with in Massachusetts as an adult.
- Non-convictions and convictions appear on a CORI
- Out of state charges will not appear on a CORI
- Juvenile crimes and restraining orders (unless violated) do not appear on a CORI
- DCF allegations do not appear on CORI unless they become criminal charges
- Police and courts can view your CORI; others such as employers (if they are prepared to offer a position) and landlords must get written authorization from a person in order to view their CORI
- CARI- Court Activity Record Information - CARI includes Criminal Offender Record Information (CORI), juvenile records, and restraining order information. Unlike a CORI, a CARI is not available to the general public,

Sealing charges on your CORI means that landlords and most employers will not be able to see the charges. However, courts, police officers, and certain employers that involve working unsupervised with children would still be able to see charges that had been sealed

- **100A Petition to Seal Records**
– filed by mailing 1 form to the Office of the Commissioner of Probation in Boston
- Eligible felonies must be 7 years or older from the date of disposition, or the date released from incarceration (probation does not count)
- Eligible misdemeanors must be 3 years or older from the date of disposition/date released from incarceration
- **100C Petition to Seal Records**
- filed by mailing petition to the court where the charges were originally filed
- For non-convictions only
- You will have a hearing before a judge re: whether sealing is in the best interests of justice
- You may want to submit an affidavit about how the charges you seek to seal negatively affect your life/steps toward rehabilitation

Expungement

- Expungement means that all records of the charge are permanently destroyed
- Expungement is only available in very limited circumstances in MA
- Expungement is discretionary – up to the judge
- The Office of the Commissioner of Probation (OCP) makes the determination about whether petitioners are eligible for expungement before forwarding the petitions to the court – you can call OCP to ask about your eligibility

When Can You Expunge Your Record?

- Things that are no longer a crime (such as possession of marijuana and being in the presence of heroin) may be expunged
- A single charge that happened before age 21 (without any other convictions on record) may be expunged (with some exceptions for very violent crimes)
- If the conviction was created based on:
 - Theft of your identity, Errors by law enforcement, Errors by civilian or expert witness(es), Errors by court employees, or Fraud perpetrated upon the court, you may be eligible for expungement
 - Drug lab scandal cases may be eligible for expungement based on errors of the expert witness (drug lab tech)

Never Sealable Offenses

- Some crimes against public justice may never be sealed, including convictions for witness intimidation, perjury, or escape from jail.
- Certain firearms, state ethics, conflicts of interest law may never be sealed - such as a conviction for bribery of an elected official
- Registered sex offenders may not seal their sex crimes so long as they are still required to register as a sex offender

Motions to reconsider sex offender status

- Sex Offenders in MA may file a motion for reconsideration of their sex offender level/status with the Sex Offender Registration Board (SORB)
- SORB may make a decision without a hearing, but you are entitled to a hearing and may be eligible for a free attorney at the hearing depending on your income
- It must be at least 3 years since you were first classified by SORB or since the last time you requested reconsideration

Sex Offenses

- Generally, sex offenders may only seal sex offenses if they are at least 15 years old and they were only ever classified as a level 1 offender
- If you were ever registered as a level 2 or 3 sex offender, you may never seal certain offenses such as rape, assault with intent to rape, and other offenses as defined by section 178C of Chapter 6 of the Mass. General Laws.
- Even if sex offenses cannot be sealed, you can still seal other eligible charges on your CORI

Immigration

- If you are not a citizen of the U.S., you should speak with a lawyer before sealing your record
- If you seek U.S. citizenship, the federal government would most likely find out about the charges even if they are sealed and they will want detailed information about the charges
- Non-citizens who want their record sealed should make sure to have multiple certified copies of the court records for each charge on their CORI that they seek to seal
- Sealing your record will not help you become a citizen

Resources

- Know your CORI Rights – a great resource for sealing/expungement created by Greater Boston Legal Services (includes petitions to seal)-
<https://www.masslegalhelp.org/cori/know-your-rights-booklet.pdf>
- Accessing/sealing juvenile records -
<https://www.masslegalhelp.org/cori/juvenile-records>
- Sex offender reclassification -
<https://www.masslegalservices.org/content/sorb-reclassification-request-fact-sheet-sample-motion-sample-memorandum-and-sample>
- MassLegalHelp.org is a great resource for questions about CORI/Sealing/Expungement