

An Act Providing for Easier and Greater Access to Record Sealing

(S.1037, filed by Sen. Friedman & H.1763, filed by Rep. Malia)

An Antiquated and Broken System:

Criminal record sealing is currently done manually, and every request must be mailed to the Commissioner of Probation and then processed one-by-one. This system is burdensome, time-consuming, and inefficient. People who have already waited years are forced to wait even longer to seal their records – and this has a devastating effect on the person’s ability to move on.

S.1037/H.1763 would solve this problem.

Providing a Second Chance for Residents Across Massachusetts:

This legislation will require the Commissioner of Probation to automatically seal criminal and juvenile records for all *eligible* individuals, after the applicable statutory waiting period. Waiting periods would not change under this legislation and are 7 years for most felonies and 3 years for a misdemeanor. To ensure that all eligible individuals have their records sealed, this bill also creates a 6-month deadline for the Commissioner of Probation to apply the bill retroactively.

This bill would benefit residents across the Commonwealth. In 2007, The Boston Foundation estimated that 2.8 million individual criminal records exist on file in Massachusetts.¹ That number has grown substantially in recent years. Each year, approximately 70,000 people in Massachusetts are convicted of a crime, whether a misdemeanor or a felony, continuously adding to the number of individuals with an official criminal record.² These records have a profoundly negative impact on peoples’ lives. In the digital era, with nearly 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges now using background checks,³ any record — no matter how old or minor — can put employment, housing, education, and other opportunities permanently out of reach for many. While felony records carry perhaps the greatest stigma, any record — including misdemeanors and even charges that were dropped — can be a long-term roadblock to future opportunities.

It doesn’t have to be this way. S.1037/H.1763 would provide the second chance that many people seek and deserve.

Automatic criminal record sealing is a growing trend across the country:

Currently, 20 states have at least one statutory automatic criminal record sealing provision, and Michigan, New Jersey, Pennsylvania, and Utah have enacted legislation that *automates* the criminal record sealing process.⁴

¹ https://www.cjinsitute.org/assets/sites/2/2007/05/43_CORI.pdf

² <https://www.prisonpolicy.org/blog/2019/09/18/state-jail-bookings/>

³ <https://www.americanprogress.org/issues/poverty/reports/2018/04/05/448711/news-can-use-research-roundup-re-entry-advocates/>

⁴ <https://www.ncsl.org/research/civil-and-criminal-justice/automatic-clearing-of-records.aspx>