



# Boston Workers Alliance

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## **CORI Reform in Massachusetts**

### **Context**

On July 31, the Massachusetts legislature passed CORI reform. The Boston Workers' Alliance has been a lead organization in the campaign for CORI reform for over 5 years, and commends the House and Senate and Governor Patrick for passing strong reforms that will improve public safety and save the state money. We also thank the 100+ organizations that supported our efforts over the years.

### **Summary**

The core of CORI reform proposals put forward by BWA was included in the final bill. This included the reduction in the waiting period to seal records, "banning the box," and automatically removing non-convictions. Massachusetts will be the first state in the country to remove the criminal record question from initial job applications for all employers (both private and public).

The bill also would put the CORI system online and open to employers to compete with private internet check companies. The official CORI system is more accurate, and will only contain convictions and pending cases (not dismissed, not guilty and CWOs).

CORI reform has been supported by major statewide organizations including the Massachusetts Major Police Chiefs Association, the Massachusetts Sheriffs Association, the Associated Industries of Massachusetts, the AFL-CIO Executive Committee, the Massachusetts Council of Churches and the Massachusetts Bar Association. The "ban the box" will go into effect in November 2010. However, the reduction of sealing periods and most other provisions will not take full effect until January 2012.

## CORI Reforms Included in Final Law - 2010

▶ Old CORI Law	▶ New CORI Law
Employers use the “ <b>box</b> ” on initial job applications to ask about criminal convictions and weed applicants out	“ <b>Ban the Box</b> ” – employers can no longer ask about a criminal record on an initial written job application. Individuals can ask about a criminal history later in the process
Sealing a <b>felony</b> takes <b>15</b> years clean record Sealing a <b>misdemeanor</b> takes <b>10</b> years clean record	Sealing a <b>felony</b> takes <b>10</b> years clean record Sealing a <b>misdemeanor</b> takes <b>5</b> years clean record
The waiting period for <b>sealing starts after probation or parole</b>	The waiting period for <b>sealing starts at the beginning probation or parole</b>
The official <b>CORI</b> system is <b>paper-based</b> , and requires a certification process for employers. The majority of employers use “ <b>for-profit internet background check companies</b> ” that are not regulated, give our non-convictions, and are inaccurate	The official <b>CORI</b> system will go <b>online</b> , and will be available to employers to compete with “for-profit internet background check companies.” Employers will receive better liability protections for using the CORI system over unregulated private background companies.
The CORI system sends out all <b>convictions unless they are sealed</b>	The CORI system will <b>automatically not send out convictions</b> if they are <b>eligible to be sealed</b>
<b>Continued Without Finding (CWO)</b> are currently treated as <b>convictions</b> and can only be sealed after the sealing waiting periods	<b>Continued Without Finding (CWO)</b> are treated as <b>non-convictions</b> once probation is completed and the case is dismissed.
<b>Non-convictions</b> (dismissed, not guilty, nolle prosequere) <b>are available</b> on CORIs	<b>Non-convictions</b> (dismissed, not guilty, nolle prosequere) <b>are not available</b> on CORIs unless the employer works with vulnerable populations
The court system <b>notifies private background check companies</b> if there is a <b>sealed record</b> on file	The court will <b>not notify private background check companies</b> if there is a <b>sealed record</b> on file
Employers can <b>inquire</b> about CORI <b>at any point</b> , without preparing an individual for a CORI	Employers can <b>only inquire</b> about CORI after <b>obtaining a written signature</b> from an applicant authorizing a CORI check, and <b>providing a copy</b> of the record before questioning
The <b>fine</b> for illegally distributing a person’s private record is up to <b>\$500 for adult, \$750 for juvenile</b>	The <b>fine</b> for illegally distributing a person’s private record is increased to <b>\$5,000 for adult</b> and <b>\$7,500 for juvenile</b>