

# MBA NEWS

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## **MASSACHUSETTS BAR ASSOCIATION URGES BROAD REFORM OF STATE CORI LAWS; SHARES PROPOSED CHANGES**

BOSTON, Mass. — Comprehensive reforms to Massachusetts CORI laws are necessary to help those with criminal pasts turn into productive citizens, argues the Massachusetts Bar Association.

MBA Criminal Justice Section Council Chair Lee Gartenberg, director of the Inmate Legal Services Office of the Middlesex County Sheriff's Office, shared the MBA's proposal while testifying before The Joint Committee on the Judiciary yesterday at the State House in Boston.

"It is important to have a system that both enhances public safety and allows people who have changed their lives in a positive way to continue to be successful, contributing members of society without having something that happened in the distant past preventing them from succeeding." Gartenberg said.

The state's current CORI laws hamper Massachusetts residents who are trying to obtain housing and jobs, and can haunt rehabilitated citizens trying to make a life for themselves and their families.

"Massachusetts could be and should be a leader in turning former felons into productive citizens," MBA President David W. White Jr. said. "We should respect the efforts of the hard-working men and women of this state who have turned their lives around. We need to quickly reform our CORI laws to make that happen."

The MBA's House of Delegates voted to adopt a report recommending changes to CORI in the spring of 2006. The proposed changes focus on three areas: who is granted access and to what records, assuring the data is accurate, and allowing people who have turned their lives around to seal their record within a reasonable period of time and expunging CORI entries when people are misidentified or no crime was committed.

**The Massachusetts Bar Association supports the enactment of comprehensive CORI reform legislation which includes the following issues:**

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### Access

- Establish clear and separate levels of CORI access: comprehensive access of entire record for law enforcement, limited access (containing only convictions and pending cases) for all non-law enforcement entities
- Limit conviction information provided to all non-law enforcement entities only to findings or verdicts of guilty of an adult offense or an adjudication as a youthful offender and include only the crime of conviction not the original charge
- Establish an educational program for recipients of CORI reports concerning the nature and purpose of the law and the proper use of information provided
- Develop a process to ensure within a reasonable time that all CORI reports are formatted in a way to make them clear and comprehensible and prepared in Plain English, especially with respect to reports for prospective employers and schools

### Accuracy

- Establish a verification process to ensure that the CORI is accurately attributed to the proper person, such as by the use of fingerprints
- Simplify the process to permit the correction of erroneous CORI by establishing an administrative procedure (similar to process used to correct credit report)
- Place the burden of proof that a record is accurate on the Commonwealth in an action to correct an erroneous CORI, following a prima facie showing by the offender that a particular record may be inaccurate
- Ensure that all CORI reports (including those available to law enforcement) contain an accurate record of the offense of conviction not just the initial charge by establishing a uniform system for entering information and a process of verification of the entry
- Create a process to purge information concerning cases where charges of a crime or complaints of delinquency have been dismissed or the defendant (or juvenile) has been found not guilty (or not delinquent) because the defendant was mistakenly identified or the alleged crime never occurred

### Sealing Old Records

Reduce the length of time before a record can be sealed but allow law enforcement access to the sealed record

*Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.*