# 2010 CORI Reform Explained — How the law is changing, and when.*

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<th>Rights of People with CORI &amp; Access to Records</th>
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<th>2010 CORI Reform</th>
<th>Date change goes into effect</th>
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<td>1 No inquiry on job application (“ban the box”)</td>
<td>➢ Employers can ask applicants about all past felony convictions and some misdemeanors on job applications and in interviews.</td>
<td>➢ Bans questions about criminal history from initial written job application, unless conviction information is required for a particular job by federal or state law. (§101)</td>
<td>November 4, 2010</td>
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<td>2 Provide criminal record before use and after adverse decision</td>
<td>➢ Employers can reject applicants based on criminal history information without telling the applicant.</td>
<td>➢ An employer (or other decision-maker), must provide a copy of any criminal record information in the employer’s possession before questioning an applicant about his/her record. (§19)</td>
<td>May 4, 2012</td>
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<td>➢ When an adverse decision is made based on a criminal record, the employer (or other decision-maker) must give the applicant a copy of the record the decision is based on. (§19)</td>
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*The new law, Chapter 256 of the Acts of 2010, does not take effect immediately. Various provisions, listed here, will take effect at different times.*
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| **3 Sealing waiting period**                  | ➢ 15 yrs for felonies; 10 yrs for misdemeanors.  
➢ Clock begins after all court supervision (parole and probation) is complete.  
➢ Intervening convictions reset the clock. | ➢ 10 yrs for felonies; 5 yrs for misdemeanors. (§128)  
➢ Clock begins at release from incarceration or custody. If the sentence did not include incarceration, the clock begins at the time of disposition (the conclusion of court proceedings). (§128)  
➢ Intervening convictions reset the clock. (§128)  
➢ **Note:** Sealing does not occur automatically. When a person's record becomes eligible for sealing (after the waiting period), he or she can apply to have the record sealed by completing a form available through the Office of the Commissioner of Probation (1 Ashburton Place, Boston). | May 4, 2012 |
| **4 Procedure to correct inaccurate record** | ➢ CORI subjects have a right to inspect and obtain a copy of their own records.  
➢ CORI subjects can file complaint with CHSB to modify, supplement or purge inaccurate records.  
➢ But in practice, the procedure has been cumbersome. A person had to first go to the court where the record was created to seek a correction. | ➢ CORI subjects have a right to inspect and obtain a copy of their own records. (§35)  
➢ The department of criminal justice information services will publish guidelines on how to correct inaccurate information, and may work with other agencies to help individuals fix inaccurate records. (§35)  
➢ **Note that the new procedure is an improvement, but it took away the right to file a complaint to seek purging or modification of an inaccurate record.** | May 4, 2012 |
<p>| <strong>5 Complaint procedure for violations of CORI law</strong> | ➢ CORI subject can file complaint with CHSB for wrongful access or dissemination or other violations | ➢ CORI subject can file complaint with new Criminal Record Review Board, which can hear violations, including failure to provide copy of record before questioning or after adverse decision. (§12) | May 4, 2012 |</p>
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<td><strong>6 Auditing</strong></td>
<td>➢ No formal mechanism exists to let CORI subjects know who has accessed their records.</td>
<td>➢ CORI subjects (and their lawyers) have a right to request a free “self-audit” every 90 days to learn who accessed their records, when, and for what purpose. (§21) ➢ Unauthorized access is a criminal offense subject to imprisonment and fines. (§36)</td>
<td>May 4, 2012</td>
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<td><strong>7 Limitations on conviction dissemination¹</strong></td>
<td>➢ Unless record is sealed, it will forever be disseminated by the state.</td>
<td>➢ Prohibits dissemination of convictions after a specified waiting period that begins after release from incarceration or custody. (§21) ➢ 10 yrs for felonies ➢ 5 yrs for misdemeanors ➢ Violations of domestic abuse orders will be treated as felonies ➢ Prior records will remain available for as long as last conviction is still available to be disseminated. (§21) ➢ Permanent access to convictions for murder, manslaughter, sex offenses. (§21)</td>
<td>May 4, 2012</td>
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<td><strong>8 Limitations on non-conviction dissemination</strong></td>
<td>➢ Silent, in general, on dissemination of non-conviction to non-criminal justice entities. ➢ In some instances, specific entities are granted access to non-convictions by statute (e.g., nursing homes).</td>
<td>➢ Non-conviction (not guilty, dismissed cases) will not be disseminated to most requestors. (§21) ➢ Pending cases will be disseminated. (§21) ➢ CWOFs will be treated as pending cases until they are dismissed, after which they will be treated as non-convictions. (§21) ➢ Only entities with specific statutory access can receive non-convictions.</td>
<td>May 4, 2012</td>
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<td><strong>9 Access to CORI by</strong></td>
<td>➢ Some entities are statutorily</td>
<td>➢ Employers, landlords, and</td>
<td>May 4, 2012</td>
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¹ Employers, landlords, and professional licensing authorities may request CORI reports to help make decisions about hiring employees and volunteers, renting property, and issuing professional licenses.
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| **non-statutorily authorized requestors** | required or permitted to access CORI (e.g., children's camps; elder care facilities).  
- Most entities must petition to be certified to access CORI. (About 9,000 entities are currently certified).  
- No restrictions on accessing criminal records information from private companies. | professional licensing authorities will have access to CORI (subject to content and time limits mentioned above) on the internet. (§21).  
- To obtain a CORI report, requestors will have to certify that they received signed authorization from the CORI subject. (§21).  
- Unauthorized access is a criminal offense subject to imprisonment and fines. (§36) | |
| **10 Expanded access for special classes** | **Victims/witnesses**  
Access to CORI related to crime experienced/witnessed | **Victims/witnesses**  
Access to all available CORI for the offender, including non-convictions. (§37) | May 4, 2012 |
|  | **Long-term care facilities**  
May access all available CORI | **Long-term care facilities**  
Must perform CORI checks for staff and volunteers; granted access to all available CORI, including non-convictions. (§25) (Nursing homes are already required to check CORI). | |
|  | **Family law**  
No special access to sealed CORI | **Family law**  
Permits access to sealed CORI by court order in domestic abuse/child custody actions and where a person’s safety is at stake. (§130) | |
| **11 Access to CORI for occupational licensing** |  
- State law permits CORI checks for occupational licensing  
- Licensing authorities determine whether CORI checks are required for particular occupations |  
- Municipalities can require fingerprinting for licensing of specified occupations in order to conduct state and national criminal record checks. (§23) | May 4, 2012 |
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| **12 Access by the general public**           | ➢ Any member of the general public can access all conviction information about a specific individual for a limited time:  
  • During any period of probation, incarceration, or parole served by an individual who was either convicted of a crime punishable by 5 years or sentenced to imprisonment for any crime;  
  • For 2 years after release from custody for a felony;  
  • For 1 year after release from custody for a misdemeanor;  
  • For 3 years after release from custody following denial or violation of parole. | ➢ Any member of the general public can – upon written request for CORI about a specific individual – access information about a particular conviction for a limited time (§21):  
  • Felony convictions punishable by 5 years of imprisonment  
  • For any felony conviction, until 2 years after release from custody  
  • For any misdemeanor conviction, until 1 year after release from custody  
  • For any conviction resulting in a prison sentence, throughout the period of incarceration, probation or parole. | May 4, 2012 |
| **13 Access by criminal justice agency**       | ➢ Criminal justice agencies (including police, probation, etc.) can access CORI to perform their duties.  
  ➢ When CORI is sealed, can see that sealed record exists and petition in court to view its contents. | ➢ Restates criminal justice agencies’ right to obtain CORI for performance of their duties. (§21)  
  ➢ Expands access by giving immediate and automatic access to sealed CORI. (§21) | May 4, 2012 |
| **14 Employer negligent hiring/liability protection** | ➢ Employers are not protected from negligent hiring decisions. | ➢ Employers that make decisions within 90 days of obtaining CORI from the state will not be held liable for negligent/discriminatory hiring practices by reason of reliance on the CORI. (§21)  
  ➢ No protection for employers using info from private companies. | May 4, 2012 |