



Testimony submitted to the Joint Committee on the Judiciary
In Support of S.944/H.2309 – An Act Relative to Sealing of Juvenile Records and Expungement
of Court Records
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In the last few years, we have learned a lot about the development of the adolescent brain, including that it doesn't reach maturity until the early 20s.¹ Crime rates and abuse of alcohol are highest for young males ages 15 to 19, indicating they are most susceptible to making bad decisions, including criminal behavior, during this time of their development.

According to the Massachusetts Bar Association, the state of Massachusetts may seal criminal records, but it almost never expunges them.² This bill allows for sealing of youthful offenses after one year of a clean record, or immediately if the case is dismissed, followed by expungement of a person's juvenile record, giving a person a clean slate provided that it has been another three years after their record has been sealed (ignoring minor motor vehicle violations). If there is a felony charge, the case must still go through the courts. This bill also notifies juveniles of their right to seek sealing and, if the case is dismissed, sealing will be automatic unless there is a request not to seal by all agencies holding the record.

Since more than 15,000 youth in Massachusetts interact with the juvenile or criminal justice system every year, and since some employers, colleges and landlords can find out that these records exist, even though only 24% of cases end up in the Department of Youth Services or are placed on probation, it is difficult for young people with minor indiscretions to get a second chance. This bill enables sealing or expungement from all agencies, including the department of youth services, police records, probation records, state police and FBI. Data release from these records will be limited. States with minimal barriers to sealing or expungement of juvenile records have reduced recidivism and re-arrest rates and increased college graduation and incomes for young people transitioning to adulthood.³

It is remarkable that in Massachusetts it is virtually impossible to expunge an adult record of a person who has been falsely accused, in cases of mistaken identity, and due to clerical error. This bill, sponsored by Sen. Spilka and Reps. Dykema and Khan, makes expungement automatic from relevant databases as a matter of course. This change is long overdue and is the law in most other states⁴.

The League of Women Voters of Massachusetts has long believed in an individual's Constitutional rights and in protecting children, which is why we strongly support this bill.

Society benefits from expunged records by making it easier for individuals to get an education, find work and pay taxes.⁵

We think that this bill would be even better if it allowed all first-time offenders, depending on the nature of the charge, to have their record expunged regardless of their age. We all make mistakes, and it behooves us to allow some pathway to give some people a second chance. It makes sense to give individuals an incentive to keep on the right side of the law.

Thank you for your consideration.

¹ http://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/index.shtml?utm_source=LifeSiteNews.com+Daily+Newsletter&utm_campaign=2c0fa9560b-LifeSiteNews.com+Intl+Full+Text+12+18+2012

² <http://www.massbar.org/publications/lawyers-journal/2015/june/nobody%E2%80%99s-perfect-the-need-for-new-expungement-law>

³ <http://econ.msu.edu/seminars/docs/Expungement%20112014.pdf>

⁴ <http://ccresourcecenter.org/resources-2/restoration-of-rights/50-state-comparisonjudicial-expungement-sealing-and-set-aside/>

⁵ <http://news.stanford.edu/news/2014/march/criminal-record-study-032014.html>