

# Implementing CORI Reform

On August 6, 2010, Governor Patrick signed into law Chapter 256 of the Acts of 2010, commonly known as **CORI Reform**, making significant changes to the CORI law. The law changes who will have authorized access to CORI and how CORI will be accessed. Most of the new provisions go into effect on May 4, 2012.

The Department of Criminal Justice Information Services (DCJIS) is the Massachusetts agency statutorily designated to oversee the authorized release of CORI to the non-criminal justice community and provide a public safety information system and network to support data collection, information sharing, and interoperability for the Commonwealth's criminal justice and law enforcement community. The DCJIS is working to roll out a new secure, web-based service called "**iCORI**", which will replace the existing CORI system.

After May 4, 2012, all governmental agencies will request and receive CORI via the iCORI service. In most cases, responses to these requests will be returned instantaneously.

Also after May 4<sup>th</sup>, employers, volunteer organizations, landlords, and individuals will request, pay for, and receive CORI online using **iCORI**.

- Employers will have "Standard Access" to CORI – "Standard Access" means access to information on any criminal charges pending as of the date of the request; felony or misdemeanor convictions; convictions that have not been sealed; and any murder, manslaughter, and sex offenses.
- Landlords will have the same access as standard employers to screen applicants for housing. This will only include adult leaseholders, not other members of the household. Public housing authority CORI access will not change.
- Certain employers will have "Required Access" to CORI - Employers who must comply with statutory, regulatory, or accreditation requirements regarding employees' criminal records, e.g. hospitals and banks, will have access to additional adult CORI information dating back to an individuals' 17th birthday. Employers that currently receive CORI under federal or state law authorizing or requiring them to conduct CORI

**Criminal Offender Record Information**, or CORI, includes records and data compiled by a Massachusetts criminal justice agency about an individual's history related to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. A person's CORI does not include juvenile criminal history, except for youthful offender charges.



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checks will continue to have the same access, e.g. schools, camps, day care centers, nursing homes, and assisted living facilities.

- The Public will have limited access to CORI through “Open CORI”.

Please refer to the Accessing CORI Information section of this document for details on what CORI information will be available for each category of access.

### ***Implementation of CORI Reform means that after May 4, 2012:***

- CORI access will require landlords and employers to register annually for an iCORI account.
- Individuals will be able to use iCORI to request their own personal CORI’s from DCJIS.
- The public will be able to use iCORI to request Open CORI from DCJIS.
- Paper applications for CORI will still be accepted by DCJIS.
- Use of the new iCORI service will require all users and organizations to register.

### ***After May 4, 2012, CORI Reform also provides:***

- Job applicants with a new due process right - if an employer has obtained criminal history information about an applicant, regardless of the source, he or she must provide the criminal history to the applicant prior to asking him or her about it.
- “Self-Audits” to help police the system - individuals will be able to see what non-law enforcement entities have requested their CORI, and individuals will be able to determine if their CORI’s were run prior to an interview or job rejection.
- Safe Harbor protection for employers from negligent hiring for solely relying on CORI and not conducting additional criminal history checks and certain employment discrimination claims if they obtained CORI from DCJIS; if the employer made its hiring decision within 90 days of receiving the CORI; and if the employer maintained and followed DCJIS regulations pertaining to verification of the subject’s identity.
- The establishment of the Criminal Records Review Board (CRRB). The Board’s primary role will be to investigate and conduct hearings of complaints regarding violations of the CORI statutes and regulations.
- Reduced waiting periods for the sealing of records.

## Accessing CORI Information:

The iCORI system will return various levels of information based on the requestor type. Your requestor type will be determined during the registration process. Based on the CORI Reform legislation, the iCORI system must report certain information when queried, and it cannot report specific information in some cases. The information to be included (and not to be included) in a CORI report are described below.

Category of Access	iCORI System Must Return	iCORI System will NOT Return
<b>Personal Access: Limited to requesting your own CORI from the iCORI.</b>	All adult/youthful offender convictions, non-convictions, and pending cases, as well as all civil and non-incarcerable offenses. In addition, both civil and non-incarcerable offenses must appear in their own distinct sections of the CORI report	Any sealed or juvenile offenses.
<b>Required 1: May only be requested by requestors authorized to receive CORI pursuant to a statute, regulation, or accreditation requirement.</b>	All adult/youthful offender convictions and pending offenses	Any sealed, juvenile, civil, and non-incarcerable offenses or non-convictions.
<b>Required 2: May only be requested by requestors authorized to receive CORI pursuant to a statute, regulation, or accreditation requirement.</b>	All adult/youthful offender convictions, non convictions and pending offenses.	Any sealed, juvenile, civil, or non-incarcerable offenses.

Category of Access	iCORI System Must Return	iCORI System will NOT Return
<p><b>Required 3: May only be requested by requestors authorized to receive CORI pursuant to a statute, regulation, or accreditation requirement.</b></p>	<p>All adult/youthful offender and juvenile offender convictions, non convictions and pending offenses</p>	<p>Any sealed, civil, or non-incarcerable offenses.</p>
<p><b>Required 4: May only be requested by requestors authorized to receive CORI pursuant to a statute, regulation, or accreditation requirement.</b></p>	<p>All adult/youthful offender and juvenile offender convictions, non convictions and pending offenses as well as sealed case indicators. In the scenario that actual sealed record data is available, then such records will be provided along with the indication that the arraignment is sealed.</p>	<p>Any civil or non-incarcerable offenses.</p>
<p><b>Standard Access: All employers, landlords, volunteer organizations, and licensing authorities are eligible to request this level of CORI access.</b></p>	<ul style="list-style-type: none"> <li>• If the offense is a murder, manslaughter or sex offense and the disposition is a conviction</li> <li>• If the offense is a misdemeanor, the disposition is a conviction and the disposition date or incarceration release date is less than 5 years prior to the CORI Request Date, the system must return the offense AND all other convicted offenses.</li> <li>• If the offense is a felony, the disposition is a conviction and the disposition date or incarceration release date occurred less than 10 years prior to the CORI Request Date, the system must return the offense AND all other convicted offenses.</li> <li>• If the offense is pending.</li> </ul>	<ul style="list-style-type: none"> <li>• If the offense disposition is a non-conviction.</li> <li>• If the offense is a misdemeanor, the disposition is a conviction and the disposition date and incarceration release date occurred 5 or more years prior to the CORI Request Date.</li> <li>• If the offense is a felony, the disposition is a conviction and the disposition date and incarceration release date are 10 or more years prior to the CORI Request Date.</li> <li>• If the offense is sealed, juvenile, civil or non-incarcerable.</li> </ul>

Category of Access	iCORI System Must Return	iCORI System will NOT Return
<p><b>Open Access:</b>  <b>May be requested by any member of the public.</b></p>	<ul style="list-style-type: none"> <li>• If the offense is a murder, manslaughter or sex offense and the disposition is a conviction, the system must return the offense no matter how old the conviction is.</li> <li>• If the offense is a misdemeanor, the disposition is a conviction and the disposition date or incarceration date occurred less than one year prior to the CORI Request Date.</li> <li>• If the offense is a felony, the disposition is a conviction and the disposition date or incarceration release date occurred less than 2 years prior to the CORI Request Date.</li> <li>• If the offense is a felony that is punishable by 5 or more years in state prison provided however, that such conviction shall only be available for 10 years following the date of disposition or date of release from incarceration, whichever is later.</li> </ul>	<ul style="list-style-type: none"> <li>• If the offense disposition is a non-conviction.</li> <li>• If the offense is pending.</li> <li>• If the offense is a misdemeanor, the disposition is a conviction and the disposition date and incarceration release date occurred one or more year(s) prior to the CORI Request Date.</li> <li>• If the offense is a felony, the disposition is a conviction and the disposition date and incarceration release date occurred 2 or more years prior to the CORI Request Date.</li> <li>• If the case is sealed, juvenile, civil or non-incarcerable.</li> </ul>

For more information about CORI Reform, levels of access, registering, and how the new law affects you, please visit [www.mass.gov/cjis](http://www.mass.gov/cjis).