



The Commonwealth of Massachusetts

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Press Release

DA Morrissey, Rep. Chan work to provide a second chance

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Norfolk District Attorney Michael W. Morrissey met with the House Chair of the Judiciary Committee, Rep. Claire D. Cronin about his plan with Rep. Tackey Chan to expand the expungement statute.

As it stands now, the state's law on expunging criminal records for people who made a single mistake before turning 21 is "very narrow, too narrow," according to Norfolk DA Michael W. Morrissey.

But DA Morrissey is working with Rep. Tackey Chan (2nd Norfolk) to change that without sacrificing public safety. "Even a minor criminal record, dating back years, can be an obstacle to employment, education and training," said Morrissey, who was the first Massachusetts District Attorney to train local attorneys and court personnel on implementing the new law in 2018.

"In 2018, the legislature created two ways for citizens to have their records expunged. One is for people who were charged with crimes that are no longer crimes, like public drunkenness or simple possession of marijuana," Morrissey said. "The other is for those who had a single, non-violent, non-sexual, non-OUI run-in with police before they turned 21 and have not re-offended."

Morrissey and Rep. Chan's proposal to expand the second mechanism, House Bill No. 3250, had its legislative hearing on Tuesday (Oct. 8, 2019) before the Judiciary Committee, which is co-chaired by Rep. Claire Cronin (11th Plymouth) and Sen. James Eldridge (Middlesex & Worcester District). "Right now, if a 19-year-old was charged with both trespassing and disturbing the peace after a moment of teen-age idiocy, that case is not eligible for expungement because there are more than one charge on the docket."

But Morrissey said that very few cases come through with just a single charge, even when the conduct is minor. "If the point of expungement is to relive people of the effects of a single incident, we believe that the court should be able to consider more than one charge arising from one event. That is what this bill does."

"This is a small change that could make a big difference in a lot of people's lives without creating hardship for anyone," Rep. Chan said. "DA Morrissey and I see this the same way."

The criminal justice system in Massachusetts has evolved in several ways to reflect the growing science about the developing brain, how it shaped behavior across time, and respecting those differences – including increasing the age for entry to adult court up to 18. "The portion of the expungement statute dealing with non-violent, non-sex offenses before age 21 fits into that evolution," Morrissey said. "From my vantage point, I see that we can safely go further and help more people put their past behind them."