

'Clean Slate' legislation would benefit survivors

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October marks Domestic Violence Awareness Month and an opportunity to focus on sometimes overlooked survivors of abuse. It is critically important to pass "Clean Slate" [legislation](#) in Massachusetts to replace an antiquated system of [criminal record sealing](#) and to provide greater access to sealing.

Importance of record sealing

Every person deserves a chance to work, support their children, and engage productively with their communities. A criminal case, however, is never too old or too minor to trigger barriers to employment and other important opportunities.

Survivors of domestic abuse, sexual violence, and trafficking are among the one in three people in the United States who have a record and are in need of pathways to economic stability.

In fact, the majority of women who are incarcerated have experienced violence and other harm by their partners or others:

- 86 percent are survivors of sexual violence.
- 77 percent are survivors of partner violence.

- 32 percent have a mental health issue, and almost 33 percent experience post-traumatic stress disorder.
- 60-70 percent report physical or sexual violence in their childhood.

Survivors may have become court involved because they were coerced into criminal activity, self-medicated with substances, or engaged in illegal activities to survive or cope with life challenges, including abuse and exploitation by others.

In addition, abusive partners may file bogus criminal complaints as retaliation against survivors who end an abusive relationship.

Thus, vulnerable populations are among the individuals in need of access to record clearance to overcome the stigma of their records, become financially stable, and rebuild their lives.

Real access to second chances

Criminal records that arise from a survivor's victimization are a constant reminder of past trauma, hindering the ability of survivors to move forward. Similarly, returning to a courthouse can be traumatizing to survivors of abuse.

The Clean Slate bills would make it easier to seal records because the burden would no longer be on survivors to navigate the complex rules and process for sealing of records.

The legislation (S. 1114/H. 1811) would replace the present, antiquated and slow one-by-one manual process of record sealing with an automated sealing process for offenses that are eligible for sealing after the applicable waiting periods are completed.

A second bill (H. 1693/S. 1124) would require immediate sealing of offenses that ended in a dismissal or other favorable outcome.

The bills would be a time saver for courts because the legislation provides that a person who seals their records is able to access their court file without

having to file a motion to unseal records. That would reduce significant court and personal time spent on unsealing of records. Police, judges and entities granted special statutory access to sealed records would also have continued access to the records.

Record sealing is a win-win. Increased employment, which often happens after sealing, is associated with reduced recidivism and increased public safety, helps the economy by increasing the pool of eligible workers and tax revenues for the state, and reduces reliance on public assistance.

A tool of good government

Legal aid and law school programs report that sealing by petition is vastly underutilized despite the many adverse consequences of records. This is consistent with research on sealing showing less than 15 percent of those eligible for sealing actually seal their records.

The rules on eligibility are hard to figure out. People simply do not know much about record sealing, and it is often extremely hard to find help. They also must wait until the three- to seven-year waiting period for sealing of records is completed before filing a request for sealing, only to encounter backlogs of many months for the processing of a petition by the probation commissioner.

Twelve other states — Connecticut, New York, Pennsylvania, New Jersey, Oklahoma, Maryland, Utah, California, Colorado, Delaware, Virginia and Minnesota — have addressed these problems by enacting Clean Slate legislation.

The Massachusetts Clean Slate bills were filed in several past legislative sessions. It is time to finally enact these measures and bring relief to survivors of abuse and many others across the state who deserve second chances.

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