

FAQs about Criminal Offender Record Information (CORI)

Prepared by Greg Massing, Rappaport Center for Law and Public Service, Suffolk University Law School, and David B. Wilson, Hirsch Roberts Weinstein LLP, for the March 27, 2004, meeting of the NonProfit Financial Managers. This handout contains general information about legal matters. This information is not legal advice, and should not be treated as such. If you have specific questions about any legal matter you should consult your attorney or other professional legal services provider.

Q: Am I required to perform a CORI check?

A: Although many non-profits are *authorized* to receive “all available criminal offender information” about job applicants or potential volunteers, *see generally* Mass. Gen. Laws ch. 6, § 172(a)(7)-(29), only a few are required by law to conduct CORI checks before hiring. In general, entities that provide direct services to children, the elderly, or other vulnerable populations are required to conduct CORI checks before hiring or accepting volunteers.

The following are some organizations *required* to conduct CORI checks:

- Organizations or agencies that employ, accept as volunteers, or refer for employment individuals who provide any services in a home or in a community-based setting for any elderly or disabled person (Mass. Gen. Laws ch. 6 § 172C);
- Long-term care facilities, assisted-living residences, or continuing-care facilities (*id.* § 172E);
- Operators of camps for children for all employees or volunteers prior to employment or volunteer service (*id.* § 172G);
- Any organization or agency that provides activities or programs for children 18 years of age or younger, prior to accepting any person as an employee, volunteer, vendor or contractor (*id.* §172H);
- Companies that provide transportation of pupils, with respect to employees who may have direct and unmonitored contact with pupils (CORI obtained through the relevant school officials) (*id.* § 172I);
- Public or private schools, including special education school programs, upon hiring and at least every 3 years thereafter, both CORI and a national fingerprint-based criminal background check (Mass. Gen. Laws ch. 71, § 38R).

This is not a comprehensive list – consult with an attorney to be certain of your obligations.

Q: What information does a CORI report contain?

A: It depends on the type of business the requestor conducts. Most employers (and landlords) get “standard” access: felony convictions less than 10 years old, misdemeanors convictions less than 5 years old, open criminal cases, and all unsealed convictions for murder, manslaughter, and felony sex offenses. Employers with a greater need to know might get to see all convictions and charges, no matter

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how old, charges that did not result in convictions, and even juvenile records. See <http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/> for links to a wealth of detailed information about the CORI law, including a summary of the levels of access and a model CORI policy for frequent CORI users.

Q: Can I refuse to hire a convicted felon?

A: Be careful! For a good discussion of the risks, see <http://www.laborlawyers.com/can-you-refuse-to-hire-a-felon>

Q: Where do I register to get CORI?

A: <https://icori.chs.state.ma.us>

Q: Can I discuss an applicant's criminal record with the applicant?

A: Yes, but be careful not to ask about arrests that did not lead to a conviction or misdemeanor convictions more than 5 years old. For useful guidelines from the Massachusetts Commission Against Discrimination, visit <http://www.mass.gov/mcad/crimrec.html>