

# Massachusetts



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*The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact [policy@polarisproject.org](mailto:policy@polarisproject.org).*

## GOOD FOR SURVIVORS:

### Records Protection:

Massachusetts requires that the records of the offense are destroyed, purged, or otherwise permanently irretrievable once the survivor is granted criminal record relief.

### Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in Massachusetts is currently "as a result" of trafficking. This is less restrictive than other states and will allow more survivors to access relief.

### Official Documentation Creates Presumption of Victim Status:

Official documentation is not required for criminal record relief; however, if a survivor provides official documentation, the presumption of victimization prevents them from sharing their experience repeatedly in different settings, which is emotionally challenging and can re-traumatize the survivor. Massachusetts's statute includes this provision and is beneficial for survivors.

## NEEDS IMPROVEMENT:

### Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Massachusetts is inadequate because relief only applies to low-level offenses like prostitution and drug possession - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Massachusetts would expand the statute to include all offenses so more survivors are eligible for relief.

### Legal Effect:

Massachusetts only provides partial relief for survivors as it vacates, expunges, sets aside, or seals criminal records but doesn't reverse or void the record in a way that eliminates any potential adverse effects its existence may have on survivors' lives. Ideally, the law should return the survivor to pre-record status. The statute should also include the automatic destruction of the records so they cannot be used against the survivor in the future.



Statute: [M.G.L.A. 265 § 59](#)