

**PETITION FOR EXPUNGEMENT OF
MARIJUANA OFFENSES**
G.L. c. 276, § 100K^{1/4}

DOCKET NO. (of the case in which you
are seeking expungement)

**Massachusetts
Trial Court**



YOUR NAME, ADDRESS, AND PHONE NUMBER (Petitioner)

COURT DEPARTMENT

- ☐ Boston Municipal Court
☐ District Court

- ☐ Juvenile Court
☐ Superior Court

COURT DIVISION

You have the right to an interpreter at no cost to you.

☐ I request the assistance of an interpreter for the following language: _____

I request that this Court order that the records of the following charges (marijuana only) be expunged:

- ☐ possession of marijuana — G.L. c. 94C, § 34
☐ cultivation of marijuana — G.L. 94C, § 32C(a)
☐ possession of marijuana with intent to distribute — G.L. c. 94C, § 32C(a)
☐ distribution of marijuana — G.L. c. 94C, § 32C(a)
☐ possession of marijuana, subsequent offense — G.L. c. 94C, § 34
☐ cultivation of marijuana, subsequent offense — G.L. c. 94C, § 32C(b)
☐ possession of marijuana with intent to distribute, subsequent offense — G.L. c. 94C, § 32C(b)
☐ distribution of marijuana, subsequent offense — G.L. c. 94C, § 32C(b)

Counts: _____

(Note: The court is to act within 30 days of the petition being filed.)

☐ I make this request because the criminal records noted above were created as a result of marijuana offense(s) that have now been decriminalized based on the amount of marijuana involved. *(Check box and refer to Instructions on the next page.)*

Specifically (provide as much detail as possible explaining the reasons for your request):

Please attach additional pages if you need more space.

- ☐ I request that the Court hold a hearing on my petition.
☐ If you need more space to explain, check this box and continue in the space provided on the Instructions sheet. You may also attach additional pages if necessary.
☐ If you have documents that support your petition, check this box and attach them to this petition.

I provided this petition and supporting documents to the District Attorney's Office of the county that prosecuted the case

☐ by delivering a copy in hand **OR** ☐ by mailing a copy via first class mail to the District Attorney's Office on

DATE

I swear under the pains and penalty of perjury that all information I provided in this Petition is true to the best of my knowledge and belief.

DATE:

PETITIONER'S SIGNATURE

INSTRUCTIONS TO PETITIONER:

Please type your responses on the form or use blue or black ink and write clearly.

Reasons for Expunging a Record Under G.L. c. 276, § 100K¼

Under Chapter 276, § 100K¼, you can directly ask a judge to permanently destroy, or "expunge," the official court records of marijuana offense(s), if the amount of marijuana involved has now been decriminalized. If there is more than one offense in your case, only the marijuana offense(s) may be expunged. There will still be a record of other offenses in your case.

Under this law, the judge can order expungement of the court record only if the judge determines by clear and convincing evidence that the amount of marijuana underlying the offense(s) was two ounces or less, or, if the marijuana was in your primary residence, that it was ten ounces or less, or consisted of six or fewer marijuana plants for personal use or twelve or fewer marijuana plants on the premises.

Expungement may also be available in circumstances other than the ones identified above. To learn about those other circumstances and the requirements for seeking expungement under them, visit this webpage:

[Expunge Your Criminal Record | Mass.gov](https://www.mass.gov/expunge-your-criminal-record) (<https://www.mass.gov/expunge-your-criminal-record>)

What You Must Show

You must demonstrate to the judge that the amount of marijuana involved in the underlying offense(s) was either: (1) two ounces or less; (2) was within your primary residence and was ten ounces or less; or (3) consisted of six or fewer marijuana plants for personal use or twelve or fewer marijuana plants on the premises. When you fill out this petition, you should provide as much detail as possible. You may give the judge copies of documents that support your reasons for asking for expungement. On the petition, there is a box to check for a hearing. At a hearing, you can tell the judge why you think the marijuana record(s) should be expunged. Even if you don't request a hearing, the judge could still hold a hearing where you must be present. If a hearing is scheduled, the clerk's office will notify you of the hearing date and time where you must be present.

Multiple Charges

On this petition, you must include all of the eligible marijuana charges connected to the case that you are asking the judge to expunge. The judge may only expunge eligible marijuana charges, as listed in the petition. If you would like to ask a judge to expunge records in different cases, with different docket numbers, you must file separate petitions for each case.

Where to File the Petition

You must file this petition in the clerk's office in the court where the criminal case was heard.

Providing a Copy of the Petition to the District Attorney's Office

You must provide a copy of this petition and any documents that you file with the petition to the District Attorney's Office that prosecuted the case on or before the day that you file this petition in court. You can do this by bringing a copy to the District Attorney's Office or by mailing a copy to the District Attorney's Office by first-class mail. You are not required to provide proof of hand delivery or mailing at this time, but may want to obtain and preserve proof of delivery or mailing for your records.

Records will be Permanently Destroyed

An order of expungement requires the clerk of the court where the record was created and the Commissioner of Probation to destroy or permanently erase the trial court records of eligible marijuana offenses within their care, custody, or control, except for information contained in the domestic violence record keeping system. An order of expungement also requires criminal justice agencies to destroy or permanently erase the record from all publicly available police logs maintained pursuant to G.L. c. 41, § 98F, within the agencies' care, custody, or control. Further, criminal justice agencies are required to respond to inquiries from any party, including criminal justice agencies, a county agency, a municipal agency, or a state agency that no record of eligible marijuana offenses exists.

If the judge allows your petition for expungement, the clerk will provide you with a certified copy of the expungement order, the docket sheets and the criminal complaint related to the expungement. If you want copies of the police report, any documents that you filed, or the petition, you must make copies *before* the court orders expungement. Once the record is destroyed, you will not be able to get a copy from the court.

Additional Information: