The following table of offenses applies to all discretionary disqualifications appearing on a Massachusetts Criminal Offender Record Information (CORI), fingerprint-based check, or out of state criminal or fingerprint check. Each offense listed below is applicable for all Massachusetts crimes as well as the out of state equivalent as determined by EEC.

The purpose of this document is to guide EEC staff in applying EEC’s regulations.  This document is effective as of October 1, 2018 unless and until it is superseded by a new version approved by the Department’s General Counsel.  Crimes listed reflect EEC’s best understanding as of the date of issuance, and this document may be revised and updated at any time based on changes to state or federal law or EEC’s understanding of that law.  This document is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by any person in any matter civil, criminal or administrative.

**TABLE OF DISQUALIFYING OFFENSES –**

**DISCRETIONARY DISQUALIFICATIONS**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Offense** | **Offense Reference** | **Penalty**  **Type** | **Offense Seriousness Level** | **Max**  **H/C** | **Max**  **Prison** |
| A&B ON FAMILY/HOUSEHOLD MEMBER | c. 265 s. 13M(a) | Misd. | (3) | 2 ½ years |  |
| A&B/ASSAULT ON AMBULANCE/HEALTH CARE PROVIDERS | c. 265 s. 13I | Misd. | 3 | 2 ½ years |  |
| ABUSE PREVENTION ORDER, VIOLATE | c.209A s.7 | Misd. | 3 | 2 ½ years |  |
| ACCESSORY AFTER THE FACT | c. 274 s. 4 | Felony | Contingent | 2 ½ years | 7 years |
| ACCESSORY BEFORE THE FACT | c. 274 s. 2 | Felony | Contingent |  |  |
| ACCOST/ANNOY PERSON OF OPPOSITE SEX | c. 272 s. 53(a) | Misd. | 2 | 6 months |  |
| ANNIMAL, CRUELTY TO | c. 272 s.77 | Felony | (3) | 2 ½ years | 5 years |
| ANIMAL FIGHT, PRESENCE AT | c. 272 s. 95 | Felony | (2) | 2 ½ years | 5 years |
| ASSAULT | c. 265 S. 13A(a) | Misd. | 2 | 2 ½ years | \_\_\_\_\_ |
| ASSAULT AND BATTERY | c. 265 s. 13A(a) | Misd. | 3 | 2 ½ years |  |
| ASSAULT ON FAMILY/HOUSEHOLD MEMBER | c. 265 s. 13M(a) | Misd. | (2) | 2 ½ years |  |
| ATTEMPT TO BURN BOAT/MOTOR VEHICLE/PERSONALTY (AS ENUMERATED IN c. 266 s. 5) | c. 266 s. 5A | Felony | 3 | 2 ½ years | 10 years |
| ATTEMPT TO COMMIT CRIME, <5 YEAR FELONY OR MISDEMEANOR | c. 274 s. 6 | Misd. | Contingent | 1 year |  |
| ATTEMPT TO COMMIT CRIME, LARCENY | c. 274 s. 6 | Misd. | Contingent | 2 ½ years |  |
| B&E DAYTIME, FOR FELONY | c. 266 s. 18 | Felony | 3 (non-dwelling)  4 (dwelling) | 2 ½ years | 10 years |
| B&E FOR MISDEMEANOR | c. 266 s. 16A | Misd. | 2 | 6 months |  |
| B&E NIGHTTIME FOR FELONY/B&E, OR ATTEMPT, DEPOSITORY | c. 266 s. 16 | Felony | 3 (non-dwelling)  4 (dwelling) | 2 ½ years | 20 years |
| BODY ARMOR, USE IN FELONY | c. 269 § 10D | Felony | 3 | 2 ½ years |  |
| BURGLARIOUS INSTRUMENT/MV MASTER KEY, MAKE OR POSSESS | c. 266 s. 49 | Felony | 3 | 2 ½ years | 10 years |
| BURN BOAT/MOTOR VEHICLE/ PERSONALTY | c. 266 s. 5 | Felony | 3 | 1 year | 3 years |
| BUS DRIVER, INTERFERE WITH | c. 159A§ 31 | Felony | 6 |  |  |
| CHECK, FORGERY OF | c. 267 s. 1 | Felony | 3 | 2 years | 10 years |
| CHURCH/SYNAGOGUE, INJURY OVER $5000 TO | c. 266 s. 127A | Felony | 4 |  | 5 years |

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| --- | --- | --- | --- | --- | --- |
| CIVIL RIGHTS VIOLATION OR ATTEMPT | c. 265 s. 37 | Misd. | 3 | 1 year |  |
| COCAINE (c.94C s. 31 Class B(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT | c. 94C s. 32A(c) | Felony | 4 | 2 ½ years | 10 years |
| COCAINE (c.94C s. 31 Class B(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. | c. 94C s. 32A(d) | Felony | 6 |  | 15 years |
| CONSPIRACY TO VIOLATE DRUG LAW | c. 94C s. 40 | Felony | Contingent |  |  |
| CRIMINAL HARASSMENT | c. 265 s. 43A(a) | Misd. | (4) | 2 ½ years |  |
| DANGEROUS WEAPON, CARRY | c. 269 s. 10(b) | Felony | 3 | 2 ½ years | 5 years |
| DANGEROUS WEAPON OR FIREARM ON SCHOOL GROUNDS, CARRY | c. 269 s.10(j) | Misd. | (2) | 2 years |  |
| DESTRUCTION OF PROPERTY -$250, WANTON OR MALICIOUS | c. 266 s. 127 | Misd. | 2 | 2 ½ months |  |
| DESTRUCTION OF PROPERTY +$250, MALICIOUS | c. 266 s. 127 | Felony | 3 | 2 ½ years | 10 years |
| DESTRUCTION OF PROPERTY +$250, WANTON | c. 266 s. 127 | Misd. | 2 | 2 ½ years |  |
| DISORDERLY CONDUCT, SUBSQ/ OFF. | c. 272 s. 53(b) | Misd. | (1) | 6 months |  |
| DISORDERLY HOUSE, KEEP | c. 272 s. 53(a) | Misd. | 1 | 6 months |  |
| DISTURBING THE PEACE, SUBSQ. OFF. | c. 272 s. 53(b) | Misd. | (1) | 6 months |  |
| DRUG VIOLATION NEAR SCHOOL | c. 94C s. 32J | Felony | 4 | 2 ½ years | 15 years |
| DRUG VIOLATION NEAR SCHOOL/PARK | c. 94C s. 32J | Felony | 4 | 2 ½ years | 15 years |
| DRUG, DISTRIBUTE OR POSSESS WITH INTENT CLASS C | c. 94C s. 32B(a) | Felony | 3 | 2 ½ years | 5 years |
| DRUG, DISTRIBUTE OR POSSESS WITH INTENT CLASS C, SUBSQ. OFF. | c. 94C s. 32B(b) | Felony | 5 | 2 ½ years | 10 years |
| DRUG, DISTRIBUTE OR POSSESS WITH INTENT, CLASS A | c. 94C s. 32(a) | Felony | 4 | 2 ½ years | 10 years |
| DRUG, DISTRIBUTE OR POSSESS WITH INTENT, CLASS B | c. 94C s. 32A(a) | Felony | 4 | 2 ½ years | 10 years |
| DRUG, DISTRIBUTE OR POSSESS WITH INTENT, CLASS B, SUBSQ. OFF. | c. 94C s. 32A(b) | Felony | 5 |  | 10 years |
| DRUG, FALSE REGIS NUMBER FOR | c. 94C s. 33(a) | Felony | 2 | 2 ½ years | 4 years |
| DRUG, FALSE REGIS NUMBER FOR, SUBSQ. OFF. | c. 94C s. 33(a) | Felony | 3 | 2 ½ years | 8 years |
| DRUG,LARCENYOF | c. 94C s. 37 | Felony | 4 | 2 ½ years | 10 years |
| DRUG, OBTAIN BY FRAUD | c. 94C s. 33(b) | Felony | 2 | 2 ½ years | 4 years |
| DRUG, OBTAIN BY FRAUD, SUBSQ. OFF. | c. 94C s. 33(b) | Felony | 3 | 2 ½ years | 8 years |
| DRUG PARAPHERNALIA, DISTRIBUTE, POSSESS WITH INTENT OR POSSESS | c. 94C s. 32I(a) | Misd. | 2 | 2 years |  |
| DRUG, POSSESS CLASS A | c. 94C s. 34 | Misd, | 2 | 1 year |  |
| DRUG, POSSESS CLASS A, SUBSQ. OFF. | c. 94C s. 34 | Misd, | 3 | 2 years |  |
| DRUG, POSSESS CLASS B | c. 94C s. 34 | Misd, | 2 | 1 year |  |
| DRUG, POSSESS CLASS B, SUBSQ. OFF. | c. 94C s. 34 | Misd, | 3 | 2 years |  |
| DRUG, POSSESS CLASS C | c. 94C s. 34 | Misd, | 2 | 1 year |  |
| DRUG, POSSESS CLASS C, SUBSQ. OFF. | c. 94C s. 34 | Misd, | 3 | 2 years |  |
| DRUG, POSSESS CLASS D, SUBSQ. OFF. | c. 94C s. 34 | Misd, | 3 | 2 years |  |
| DRUG, POSSESS CLASS E | c. 94C s. 34 | Misd, | 1 | 6 months |  |
| ENVIRONMENTAL VIOLATION WITH SERIOUS BODILY INJURY | c. 21L s. 2(a) | Felony | 6 | 2 ½ years | 5 years |
| ESCAPE FROM PENAL INSTITUTION, PERMIT | c. 268 § 19 | Felony | 4 |  |  |
| ESCAPE FROM POLICE OFFICER | Common law | Felony | 3 |  |  |
| ESCAPE FROM STATE WORK RELEASE PROGRAM | c. 127 § 49 | Felony | 4 |  |  |
| ESCAPE, AID FELON OR ACCUSED FELON | c. 268 § 15 | Felony | 4 |  |  |

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| FALSE NAME, SOCIAL SECURITY TO POLICE | c. 268 s. 34A | Misd, | (2) | 1 year |  |
| FIREARM, CARRY W/O LICENSE | c. 269 s. 10(a) | Felony | 4 | 2 ½ years | 5 years |
| FIREFIGHTER, INTERFERE WITH | c.268 s.32A | Felony | 3 | 2 ½ years | 5 years |
| FIREARM, STORE IMPROPER | c. 240 s. 131L(a) | Misd. | (2) | 1 ½ years |  |
| FIREARM W/O FID CARD, POSSESS | c.269 s. 10(h)(1) | Misd. | 2 | 2 years |  |
| GAMBLING NUISANCE, MAINTAIN | c. 139 s. 14-15 | Misd. | 2 | 1 year |  |
| GAMBLING, ALLOWING PERSONS UNDER 21 | c. 23K s. 43(b) | Misd. | (2) | 1 year |  |
| GAMBLING, ALLOWING PERSONS UNDER 21 SUBSQ. OFF. | c. 23K s. 43(b) | Misd. | (3) | 2 years |  |
| GAMBLING, FOR OR ON BEHALF OF PERSONS UNDER 21 | c. 23K s. 43(b) | Misd. | (1) | 6 months |  |
| GAMING HOUSE/APPARATUS, KEEP OR PLAY/PRESENT AT | c. 271 s. 5 | Misd. | 1 | 3 months |  |
| GAMING HOUSE/APPARATUS, KEEP OR PLAY/PRESENT AT, SUBSQ. OFF. | c. 271 s. 5 | Misd. | 2 | 1 year |  |
| GAMING IN PUBLIC/TRESPASSING | c. 271 s. 2 | Misd. | 1 | 3 months |  |
| GAMING IN PUBLIC/TRESPASSING, ALLOW | c. 271 s. 2 | Misd. | 2 | 12 months |  |
| GAMING ON HORSE/DOG RACE | c. 128A s. 13 | Misd. | 2 | 1 year |  |
| GAMING ON HORSE/DOG RACE, SUBSQ. OFF. | c. 128A s. 13 | Misd. | 3 | 2 years |  |
| GAMING PREMISES, OBSTRUCT, 3RD AND SUBSQ. OFF. | c. 271 s. 26 | Misd. | 2 | 1 year |  |
| GAMING, ALLOW PREMISES FOR | c. 271 s. 3 | Misd. | 1 | 3 months |  |
| GAMING, ALLOW PREMISES FOR | c. 271 s. 8 | Misd. | 2 | 1 year |  |
| GAMING, ALLOW PREMISES FOR, SUBSQ. OFF | c. 271 s. 3 | Misd. | 2 | 1 year |  |
| GAMING, ALLOW PREMISES FOR, SUBSQ. OFF. | c. 271 s. 8 | Misd. | 3 | 1 year |  |
| HEROIN, POSSESS, SUBSQ. OFF. | c. 94C s. 34 | Felony | 3 | 2 ½ years | 5 years |
| INTIMIDATION/RETALIATE, JUROR/WITNESS/POLICE/ COURT OFFICIAL | c. 268 s. 13B(1) | Felony | 5 | 2 ½ years | 10 years |
| LARCENY BY CHECK OVER $250 | c. 266 s. 37 | Felony | 3 (under $10,000)  4($10,000 to $50,000)  5 (over $50,000) |  | 5 years |
| LARCENY FROM PERSON | c. 266 s. 25 | Felony | 4 | 2 ½ years | 5 years |
| LARCENY FROM PERSON +65 | c. 266 s. 25 | Felony | 4 | 2 ½ years | 5 years |
| LARCENY OVER $250 | c. 266 s. 30(1) | Felony | 3 (under $10,000)  4($10,000 to $50,000)  5 (over $50,000) | 2 years | 5 years |
| LEAVE SCENE OF PERSONAL INJURY | c. 90 s. 24(2)(a½)(1) | Misd. | 3 | 2 years |  |
| LEAVE SCENE OF PROPERTY DAMAGE | c. 90 s. 24(2)(a) | Misd. | 3 | 2 years |  |
| LIQUOR TO PERSON UNDER 21, SELL/DELIVER | c. 138 s. 34 | Misd. | (2) | 1 year |  |
| MEDICAL MARIJUANA REGISTRATION CARD, FRAUDULENT USE FOR PROFIT | St. 2012 c. 369 s. 14(B) | Felony | 4 | 2 ½ years | 5 years |
| METHAMPHETAMINE (c.94C s. 31, Class B(c)(2)), DISTRIBUTE OR POSSESS WITH INTENT | c. 94C s. 32A(c) | Felony | 4 | 2 ½ years | 10 years |
| METHAMPHETAMINE (c.94C s. 31, Class B(c)(2)), DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. | c. 94C s. 32A(d) | Felony | 6 |  | 15 years |
| MOTOR VEH, LARCENY OF/MALICIOUS DAMAGE/RECEIVE STOLEN/TAKE AND STEAL PARTS | c. 266 s. 28(a) | Felony | 3 | 2 ½ years | 15 years |
| MOTOR VEH, LARCENY OF/MALICIOUS DAMAGE/RECEIVE STOLEN/TAKE AND STEAL PARTS, SUBSQ. OFF. | c. 266 s. 28(a) | Felony | 4 | 2 ½ years | 15 years |
| NEGLIGENT OPERATION OF MOTOR VEHICLE | c. 90 s. 24(2)(a) | Misd. | 2 | 2 years |  |
| OUI LIQUOR OR .08% OR DRUGS | c. 90 s. 24(1)(a)(1) | Misd. | 2 | 2 ½ years | \_\_\_\_\_ |
| OUI LIQUOR OR .08% OR DRUGS, 2ND OFF. | c. 90 s. 24(1)(a)(1) | Misd. | 2 | 2 ½ years | \_\_\_\_\_ |
| PHENCYCLIDINE, DISTRIBUTE OR POSSESS WITH INTENT | c. 94C s. 32A(c) | Felony | 4 | 2 ½ years | 10 years |
| PHENCYCLIDINE, DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. | c. 94C s. 32A(d) | Felony | 6 |  | 15 years |
| POLICE OFFICER OR PUBLIC OFFICIAL, IMPERSONATE | c.268 s.33 | Misd. | 2 | 1 year |  |
| PRESCRIPTION, UTTER FALSE | c. 94C s. 33(b) | Felony | 2 | 2 ½ years | 4 years |
| PRESCRIPTION, UTTER FALSE, SUBSQ. OFF. | c. 94C s. 33(b) | Felony | 3 | 2 ½ years | 8 years |
| PROSTITUTE, SOLICIT FOR | c. 272 s.8 | Misd. | (2) | 2 ½ years |  |
| RECEIVE STOLEN OR FALSE TRADED PROPERTY -$250 | c. 266 s. 60 | Misd. | 2 | 2 ½ years |  |
| RECEIVE STOLEN OR FALSE TRADED PROPERTY +$250 | c. 266 s. 60 | Felony | 3 | 2 ½ years | 5 years |
| RECKLESS OPERATION OF MOTOR VEHICLE | c. 90 s. 24(2)(a) | Misd. | 2 | 2 years |  |
| RESIST ARREST | c. 268 s. 32B | Misd. | 2 | 2 ½ years |  |
| SCHOOL OR PUBLIC ASSEMBLY, DISTURB | c. 272 s. 40 | Misd. | 1 | 1 month |  |
| SCHOOL OR PUBLIC ASSEMBLY, DISTURB, 3RD AND SUBSQ. OFF. | c. 272 s. 40 | Misd. | 2 | 1 month |  |
| SEXUAL CONDUCT, FOR FEE | c. 272 s.53A(a) | Misd. | (2) | 1 year |  |
| THREAT TO COMMIT CRIME | c. 272 s.2 | Misd. | 1 | 6 months |  |
| UNNATURAL ACT | c. 272 s. 35 | Felony | 3 | 2 ½ years | 5 years |
| UTTER COUNTERFEIT NOTE OR FALSE TRAVELLER’S CHECK | c. 267 s. 10 | Felony | 3 | 1 year | 5 years |
| UTTER FALSE CHECK, INSTRUMENT OR PROMISSORY NOTE | c. 267 s. 5 | Felony | 3 | 2 years | 10 years |

**ADDENDUM A**

The following table of offenses consists of pre-discretionary offenses appearing on a Massachusetts CORI, fingerprint-based check, or out of state criminal or fingerprint check. Each offense listed below is applicable for all Massachusetts crimes as well as the out of state equivalent as determined by EEC.

Should a crime from the below list appear on an applicant’s record, EEC’s Background Record Check unit will review that crime in a pre-discretionary review and will then determine if additional information is required of the applicant. Such a determination will be at EEC’s sole discretion.

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| --- | --- | --- | --- | --- | --- |
| **Offense** | **Offense Reference** | **Penalty**  **Type** | **Offense Seriousness Level** | **Max**  **H/C** | **Max**  **Prison** |
| ADULTERY | c. 272 s. 14 | Felony | 1 | 2 years | 3 years |
| AFFRAY | c. 279 s. 5 | Common Law |  |  |  |
| BLASPHEMY | c. 272 s. 36 | Misd. | 2 | 1 year |  |
| COMPULSORY INSURANCE VIOLATION | c. 90 s. 34J | Misd. | 1 |  |  |
| DISORDERLY CONDUCT AT POLL | c. 56 s. 46 | Misd. | 1 | 1 month |  |
| DISORDERLY HOUSE, KEEP (except FCC applicants) | c. 272 s. 53(a) | Misd. | 1 | 6 months |  |
| DISPOSAL OF RUBBISH | c. 270 s. 16 | Misd. | 1 |  |  |
| DRUG, POSSESS CLASS D | c. 94C s. 34 | Misd, | 2 | 1 year |  |
| FIREWORKS, SELL OR POSSESS UNLAWFUL | c. 148 s. 39 | Misd. | 2 | 1 year |  |
| FUNERAL PROCESSION, DISTURB | c. 272 s. 42 | Misd. | 1 | 2 months |  |
| JUROR FAIL TO ATTEND | c. 234A s. 42 | Misd. | 1 |  |  |
| LARCENY BY CHECK UNDER $250 | c. 266 s. 37 | Misd. | 2 | 1 year |  |
| LARCENY UNDER $250 | c. 266 s. 30(1) | Misd. | 2 | 1 year |  |
| LEASED PERSONALTY, CONCEAL/SELL/PLEDGE/FAIL RETURN | c. 266 s. 87 | Misd. | 2 | 1 year |  |
| LIBRARY, DISTURB | c. 272 s. 41 | Misd. | 1 | 30 days |  |
| LIQUOR, PERSON UNDER 21 POSSESS/MINOR TRANSPORTING ALCOHOL | /c. 138 s. 34C | Misd. | 1 |  |  |
| MUNICIPAL ORDINANCE VIOLATION | c. 272 s. 59 | Misd. | 1 |  |  |
| NUMBER PLATE, FALSE APPLIC FOR DEALER | c. 90 s. 5(g) | Misd | 2 | 2 years |  |
| RAILROAD FARE, EVADE | c. 160 s.220 | Misd. | 1 | 6 months |  |
| REGISTRATION SUSPENDED, OP MV WITH | c. 90 s. 23 | Misd | 1 | 10 days |  |
| SHOPLIFTING | c. 266 s. 30A | Misd. | 2 | 2 years |  |
| TAGGING PROPERTY | c. 266 s. 126B | Misd. | 2 | 2 years |  |
| TRESPASS | c. 266 s. 120 | Misd. | 1 | 30 days |  |
| UNAUTHORIZED USE OF CREDIT CARDS | c. 140D s. 27 | Felony | 4 |  |  |
| UNINSURED MOTOR VEHICLE | c. 90 s. 34J | Misd. | 2 | 1 year |  |
| UNLICENSED OPERATION OF A MV | c. 90 s. 10 | Misd. | 1 |  |  |
| UNLICENSED/SUSPENDED OPERATION OF MV, PERMIT | c. 90 s. 12(b) | Misd. | (2) | 1 year |  |
| USE LIQUOR ID CARD OF ANOTHER | c. 138 s. 34B | Misd. | 1 | 3 months |  |
| USE MV WITHOUT AUTHORITY | c. 90 s. 24(2)(a) | Misd. | 2 | 2 years |  |
| WALKING ON RAILROAD TRACKS | c. 160 s. 218 | Misd. | 1 |  |  |