

HOUSE No. 1249

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cullinane

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing further information on criminal offender records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>

Jay D. Livingstone

8th Suffolk

Benjamin Swan

11th Hampden

Leonard Mirra

2nd Essex

HOUSE No. 1249

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 1249) of Daniel Cullinane and others relative to criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act providing further information on criminal offender records.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 124 of the General Laws is hereby amended by adding
2 the following subsection:-

3 (v) maintain a packet of informational materials, which shall be provided to persons
4 committed to the custody of the department prior to their release from a correctional facility.
5 Such informational materials shall contain, at a minimum: (i) a summary of how and by whom
6 the committed person’s criminal offender record information may be accessed and distributed
7 pursuant to sections 167 to 178B, inclusive, of chapter 6; (ii) an explanation of the process for
8 filing a complaint with the department of criminal justice information services regarding the
9 content of, dissemination of, or access to criminal offender record information; (iii) an
10 explanation of the right to have certain records sealed pursuant to section 100A of chapter 276
11 and a step by step explanation of the process for sealing such records; (iv) an explanation of the
12 duration of criminal offender record information; (v) contact information for relevant employees
13 and offices of the department; (vi) a list of websites with important background on, and

14 explanations of, criminal offender record information; and (vi) a list of answers to frequently
15 asked questions about criminal offender record information.

16 SECTION 2. Chapter 276 of the General Laws is hereby amended by inserting after
17 section 100D the following section:-

18 Section 100E. The commissioner of probation shall maintain a packet of informational
19 materials, which every probation officer shall provide to each probationer immediately upon a
20 probationer's assignment to the probation officer's care. Such informational materials shall
21 contain, at a minimum: (i) a summary of how and by whom the probationer's criminal offender
22 record information may be accessed and distributed pursuant to sections 167 to 178B, inclusive,
23 of chapter 6; (ii) an explanation of the process for filing a complaint with the department of
24 criminal justice information services regarding the content of, dissemination of, or access to
25 criminal offender record information; (iii) an explanation of the right to have certain records
26 sealed pursuant to section 100A and a step by step explanation of the process for sealing such
27 records; (iv) an explanation of the duration of criminal offender record information; (v) contact
28 information for relevant employees and offices of the office of probation; (vi) a list of websites
29 with important background on, and explanations of, criminal offender record information; and
30 (vi) a list of answers to frequently asked questions about criminal offender record information;
31 provided, however, that a probation officer shall not be required to provide such informational
32 materials to probationers who have received the same such materials from the department of
33 corrections within the past year. SECTION 3. The department of correction shall, in coordination
34 with the department of criminal justice information services and the office of probation, develop
35 the informational materials required by sections 1 and 2 on or before January 1, 2016.

36 SECTION 4. The department of correction shall, in coordination with the department of
37 criminal justice information services and the office of probation, provide the informational
38 materials required by sections 1 and 2 to those persons who were previously in the custody of the
39 department of correction but were released from such custody prior to the effective date of said
40 sections 1 and 2, by mailing the informational materials to the person's last known mailing
41 address. Such mailings shall be completed on or before December 31, 2016.

42 SECTION 5. Sections 1 and 2 shall take effect on January 1, 2016.