

**HOUSE . . . . . No. 1451**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker and Kay Khan*

*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 relative to expungement of juvenile and young adult records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/19/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/19/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/13/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/13/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/8/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/9/2023</i>

**HOUSE . . . . . No. 1451**

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By Representatives Decker of Cambridge and Khan of Newton, a petition (accompanied by bill, House, No. 1451) of Marjorie C. Decker, Kay Khan and others relative to the expungement of juvenile and young adult records. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1531 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to expungement of juvenile and young adult 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 60A of chapter 119 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out the first sentence.

3           SECTION 2. Said section 60A of said chapter 119, as so appearing, is hereby further  
4 amended by striking out, in line 4, the word “other” and by inserting after the word  
5 “delinquency”, in line 4, the following words:-

6           and youthful offender proceedings

7           SECTION 3. Section 100E of chapter 276 of the General Laws, as appearing in the 2020  
8 Official Edition, is hereby amended by striking out the definition “Expunge”, “expunged”, or  
9 “expungement” and inserting in place thereof the following definition:-

10           “Expunge”, “expunged”, or “expungement”, the permanent erasure or destruction of a  
11 record so that the record is no longer accessible to, or maintained by, the court, any criminal  
12 justice agencies or any other state agency, municipal agency or county agency. Nothing in this  
13 Section shall be construed to prohibit the maintenance of information relating to an offense after  
14 records or files concerning the offense have been expunged if the information is kept in a manner  
15 that does not enable identification of the petitioner. This information may only be used for  
16 statistical and bona fide research purposes. If the record contains information on a person other  
17 than the petitioner, it may be maintained with all identifying information of the petitioner  
18 permanently obliterated or erased.

19           SECTION 4. Said section 100E of said chapter 276, as so appearing, is hereby further  
20 amended by striking out, in line 73, the words “or disposition of an offense” and inserting in  
21 place there of the following words:- or disposition of any offense

22           SECTION 5. Section 100F of chapter 276 of the General Laws, as appearing in section  
23 95 of Chapter 253 of the Acts of 2020, is hereby amended in subsection (a) by striking out the  
24 words “not more than 2”

25           SECTION 6. The first sentence of subsection (a) of section 100H of chapter 276 of the  
26 General Laws, as appearing in Section 97 of Chapter 253 of the Acts of 2020, is hereby amended  
27 by striking out the words “who has not more than 2 records that do not include an adjudication as  
28 a delinquent, an adjudication as a youthful offender or a conviction” and inserting in place  
29 thereof the following words:- who has any criminal or juvenile record where the disposition did  
30 not include an adjudication or conviction

31 SECTION 7. Section 100I of chapter 276 of the General Laws, as appearing in Section  
32 98 of Chapter 253 of the Acts of 2020, is hereby amended by striking out paragraph (3) and  
33 inserting in place thereof the following paragraph:-

34 (3) all offenses that are the subject of the petition to expunge the record or records,  
35 including any period of incarceration, custody or probation, occurred not less than 7 years before  
36 the date on which the petition was filed if the record or records that are the subject of the petition  
37 include a felony unless the offense was an offense tried in juvenile court, and not less than 3  
38 years before the date on which the petition was filed if the record or records that are the subject  
39 of the petition only include a misdemeanor or misdemeanors or offenses tried in juvenile court;

40 SECTION 8: Section 100J of chapter 276 of the General Laws is hereby amended by  
41 striking out section 100J and inserting in place thereof the following section:

42 Section 100J. None of the following offenses are eligible for expungement under section  
43 100F, 100G, or 100H:

44 (1) conviction for any offense resulting death or serious bodily injury as defined pursuant  
45 to section 13K of chapter 265;

46 (2) conviction for any sex offense that can never be sealed under section 178G of chapter  
47 6 of the General Laws; or

48 (3) conviction of a violation of an order issued pursuant to section 18 or 34B of chapter  
49 208, section 32 of chapter 209, chapter 209A, section 15 of chapter 209C, or chapter 258E.

50 SECTION 9. Chapter 276 of the General Laws is hereby amended by inserting after  
51 section 100U the following two sections:-

52           Section 100V. Notwithstanding any other provision to the contrary, after an arrest of a  
53 person under the age of criminal majority, law enforcement and criminal justice agencies shall  
54 no longer transmit fingerprints and any records related to the arrest or filing of a court case  
55 against the person to the Federal Bureau of Investigation or the Department of Justice for any  
56 offense that occurred before the age of criminal majority, except for purposes of requesting that  
57 the Federal Bureau of Investigation or the Department of Justice seal or expunge its records as  
58 required by section 100T of this chapter and section 36 of chapter 22C of the General laws.

59           Section 100W. The office of the commissioner of probation shall collect and annually  
60 report on:

61           a) the number of petitions and number of allowances and denials on petitions for sealing,  
62 pursuant to sections 100B and 100C, separately, of Chapter 276 of the General Laws;

63           b) the number of petitions and number of allowances and denials of petitions for  
64 expungement, pursuant to sections 100F, 100G and 100H, separately, of Chapter 276 of the  
65 General Laws

66           c) the number of petitions and number of allowances and denials of petitions for  
67 expungement, pursuant to section 100K of Chapter 276 of the General Laws; and

68           d) the number of petitions and number of allowances and denials on petitions for sealing,  
69 pursuant to section 100A of Chapter 276 of the General Laws.

70           e) the number of denials pursuant to sections 100I and 100J, separately, of Chapter 276 of  
71 the General Laws.

72            Said report shall submitted to the joint committee chairs of the joint committee on the  
73   judiciary and the clerks of the house of representatives and senate to the house and senate no  
74   later than 75 days after the end of the fiscal year and made available to the public.