

HOUSE No. 2413

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

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 a fresh start.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>

HOUSE No. 2413

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 2413) of Andres X. Vargas and Vanna Howard for legislation to establish within the Executive Office of Public Safety a fresh start program for the purpose of removing certain existential negative collateral consequences. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2535 OF 2021-2022.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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An Act relative to a fresh start.

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 98F of Chapter 41 is hereby amended by striking out in the last
2 sentence the word "18" and inserting in place thereof the following word:- "25".

3 SECTION 2. Notwithstanding any special or general laws to the contrary, Chapter 41 of
4 the General Laws is hereby amended by inserting after section 98F the following section:-

5 Section 98FF. (a) There shall be within the Executive Office of Public Safety a Fresh
6 Start Program to: (i) serve the purpose of removing the negative collateral consequences,
7 including but not limited to difficulty in gaining employment, mental health challenges, and
8 varied other barriers to social and economic mobility, of past stories reported online about an
9 individual’s criminal offense(s) or other events as deemed applicable by the program; (ii) allow

10 any individual the opportunity to submit a request to update, remove, or anonymize a story
11 published online through a specified media outlet(s); (iii) share written recommendations to
12 specified media outlets with respect to each individual's request for changes to past stories based
13 upon the review of the program, providing that all media outlets will be encouraged to accept the
14 recommended decisions of the program; and (iv) include the promotion of diverse marketing and
15 promotion efforts to ensure awareness of this program to the general public.

16 (b) There shall be a Fresh Start Coordinating Council that will be responsible for: (a)
17 identifying best practices for pre-publication reporting and unpublishing protocols; (b)
18 establishing a set of guidelines for the review of applications submitted by all individuals based
19 upon the above mentioned best practices, providing that such guidelines shall be adopted only
20 after the approval of the Council by a majority vote in the affirmative of those members so
21 voting; (d) providing recommendations to the Secretary of the Executive Office of Public Safety
22 and Security for the appointment of the Director of the Fresh Start Program, known as the
23 Director; (e) developing best practices and journalistic standards for the reporting or un-reporting
24 of any offenses committed by young adults under the age of 25; and (f) approving and managing
25 any appeal process for final decisions of all applications based on the guidelines set by the
26 Council.

27 (c) The Council shall consist of twenty-five members to be appointed with the approval
28 of the Governor. Said Council members shall advise the Director in all matters relating to
29 oversight and supervision of the program. The Council shall be comprised of the following
30 members: one of whom shall be a member of the house of representatives to be appointed by the
31 Speaker of the House, one of whom shall be a member of the Senate to be appointed by the
32 Senate President; one of whom shall be the Secretary of Public Safety and Security or a

33 designee; not more than ten representatives from daily newspapers or other media outlets in
34 Massachusetts that have an online publication; one of whom shall be the executive director of the
35 American Civil Liberties Union of Massachusetts, Inc. or a designee; one of whom shall be the
36 Chief Justice of the Trial Court or designee; one of whom shall be the president of the
37 Massachusetts Major City Chiefs of Police Association; one of whom shall be the Chief Counsel
38 of the Committee for Public Counsel Services or designee; one of whom shall be the President of
39 the Massachusetts District Attorney Association or designee; three of whom have past histories
40 of incarceration to be appointed by the Secretary of the Executive Office of Public Safety and
41 Security; and no less than four of whom to be appointed by the Governor, including
42 representatives of two organizations dedicated to serving justice-involved young adults. Said
43 members shall elect a chairperson and shall meet at least quarterly for a minimum of two-year
44 terms as set by the Secretary. The Council shall submit a report annually by July 1 to the
45 governor and the clerks of the senate and house. The report shall include: (i) data related to the
46 percentage of applications received; (ii) periodic benchmarks for, and strategies to achieve, any
47 stated goals; (iii) data demonstrating the number and percentage of decisions that were accepted
48 by media outlets; and (iv) any additional recommendations or findings.