

HOUSE No. 3084

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia

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 promoting community prosperity by further reforming criminal offender record information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>

<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>

HOUSE No. 3084

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 3084) of Elizabeth A. Malia and others relative to criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act promoting community prosperity by further reforming criminal offender record information.

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 167 of chapter 6 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in the definition of “criminal offender record
3 information” the second sentence in lines 31 through 33, and inserting in place thereof the
4 following sentence:-

5 Such information shall be restricted to that recorded in criminal proceedings that are not
6 dismissed before arraignment.

7 SECTION 2. Section 167 of chapter 6 of the General Laws, as appearing in the 2014
8 edition, is amended by striking out, in line 41 to 42, the words “is adjudicated as an adult” and
9 inserting in place thereof the words:- was tried as an adult in superior court or tried as an adult
10 after transfer of a case from a juvenile session to another trial court department.

11 SECTION 3. Section 175 of chapter 6 of the General Laws, as appearing in the 2014
12 Official Edition, is amended by inserting, in line 16, after the last sentence, the following
13 sentences:-

14 The commissioner of probation shall make a form available to permit a data subject to
15 submit the form at a probation office to request correction of errors that appear as part of his her
16 criminal offender record information, including but not limited to disposition errors, surname
17 errors, wrong dates of birth, and other clerical errors. The form shall be available at probation
18 offices and on the internet for submission to local probation offices. The commissioner of
19 probation or a probation officer upon receipt of such a request shall correct the errors within 20
20 business days.

21 SECTION 4. Section 13 of chapter 119A of the General Laws, as appearing in the 2014
22 Official Edition, is amended by inserting, in line 45, after the last sentence in paragraph (d), the
23 following paragraph:-

24 (d) Within 15 days of admission of an inmate to a house of corrections or department of
25 corrections facility, the commissioner of corrections or the sheriff for the facility shall provide
26 information, including an application for IV-D services, to the inmate and inform the inmate of
27 his or her right to request services from the IV-D agency pursuant to section 2 of this chapter to
28 modify a child support order so as to avoid accrual of child support arrearages.

29 SECTION 5. Section 100A of chapter 276 of the General Laws, as appearing in the 2014
30 Official Edition, is amended, by striking in lines 9, 14 and 21, the number “5” and inserting in
31 place thereof the number “3”

32 SECTION 6. Section 100A of chapter 276 of the General Laws, as appearing in the 2014
33 Official Edition, is amended, by striking in lines 12, 15 and 22, the number “10” and inserting in
34 place thereof the number “7”

35 SECTION 7. Section 100A of chapter 276 of the General Laws, as appearing in the 2014
36 Official Edition, is amended by inserting, in line 28, between the number “268A” and the period
37 at the end of the sentence, the words- “,except for convictions for resisting arrest”

38 SECTION 8. Section 100A of chapter 276 of the General Laws, as appearing in the 2014
39 Official Edition, is amended by striking, in line 83, the words “for employment used by an
40 employer” between the words “application” and “which” and inserting in place thereof, the
41 following words:- used to screen applicants for employment, housing or an occupational license”

42 SECTION 9. Section 100A of chapter 276 of the General Laws, as appearing in the 2014
43 Official Edition, is amended by inserting, in line 85 to 86, the words “or for housing or an
44 occupational license” between the words “employment” and “with”

45 SECTION 10. Section 100A of chapter 276 of the General Laws, as appearing in the
46 2014 Official Edition, is amended by inserting, in line 89, the words “or for housing or an
47 occupational or professional license” between the words “employment” and “with”

48 SECTION 11. Section 100A of chapter 276 of the General Laws, as appearing in the
49 2014 Official Edition, is amended by inserting, in line 92, the words “or for housing or an
50 occupational license” between the words “employment” and “may”

51 SECTION 12. Section 100C of Chapter 276 of the General Laws, as appearing in the
52 2014 Official Edition, is amended by striking, in line 23, the words “for employment used by an

53 employer” between the words “application” and “which” and inserting in place thereof, the
54 following words:- used to screen applicants for employment, housing or an occupational license”

55 SECTION 13. Section 100C of Chapter 276 of the General Laws, as appearing in the
56 2014 Official Edition, is amended by inserting, in line 26 through 27, the words “or for housing
57 or an occupational license” between the words “employer” and “with”.