

SENATE No. 1075

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 the expungement of convictions for marijuana possession.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/24/2017</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/24/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/3/2017</i>

SENATE No. 1075

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1075) of Jason M. Lewis, Chris Walsh, Joseph D. McKenna, Steven Ultrino and other members of the General Court for legislation relative to the expungement of convictions for marijuana possession. Marijuana Policy.

The Commonwealth of Massachusetts

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

An Act relative to the expungement of convictions for marijuana possession.

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. Chapter 258D of the General Laws is hereby amended after section 7 by
2 adding the following section:-

3 Section 7A. (a) The court may enter an order directing the expungement of records
4 maintained by the department of criminal justice information services on offenses related to the
5 arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and any
6 sentence related to a conviction for possession of up to 1 ounce of cannabis. Copies of the order
7 shall be sent to each agency, department, or official named therein.

8 A person convicted for possession of up to 1 ounce of cannabis may petition the court for
9 expungement and it may be granted subject to the discretion of the judge. The judge shall make
10 determination based on all available records and pleadings.

11 If the judge denies a petition for expungement, the petitioner may appeal the decision of
12 the judge to a higher court.

13 (b) Any order to expunge entered by the court shall provide that, in any employment
14 application, the person may answer “no record” as to any charges expunged pursuant to this
15 section in response to an inquiry regarding prior felony arrests, court appearances or criminal
16 convictions.

17 The charges and convictions expunged shall not operate to disqualify a person in any
18 examination, appointment or application for public employment in the service of the
19 commonwealth or any other political subdivision thereof, nor shall such charges and convictions
20 be used against a person in any way in any court proceedings or hearings before any court, board
21 or commission to which he is a party to the proceedings.

22 For the purpose of this section the words, expunge, expunged, or expungement, shall
23 mean permanent erasure or destruction.