

SENATE No. 1095

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 to enhance the lives of survivors of human trafficking.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mark C. Montigny

Second Bristol and Plymouth

Michael F. Rush

Norfolk and Suffolk

SENATE No. 1095

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1095) of Mark C. Montigny and Michael F. Rush for legislation to enhance the lives of survivors of human trafficking. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 993 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to enhance the lives of survivors of human trafficking.

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 59 of chapter 265 of the General Laws, as so appearing in the 2020
2 Official Edition, as most recently amended by section 132 of the Acts of 2018, is hereby
3 amended by inserting after the word “under” in the first instance the following words:-
4 subsection (1) of section 30 or section 30A of chapter 266, or under

5 SECTION 2. Chapter 276 of the General Laws, as so appearing, is hereby amended by
6 inserting after section 100U the following section:-

7 Section 100V. (a) In a case in which a plea of not guilty has been entered by a court
8 pursuant to section 59 of chapter 265 and (i) the criminal complaint is subsequently dismissed;
9 (ii) the defendant is found not guilty by a judge or a jury; (iii) a finding of no probable cause is

10 made by the court; or (iv) a nolle prosequi has been entered, a judge shall, upon motion of the
11 defendant, seal the court appearance and disposition recorded and the clerk and the probation
12 officers of the courts in which the proceedings occurred or were initiated shall seal the records of
13 the proceedings in their files. Sealed records shall not operate to disqualify a person in any
14 examination, appointment, or application for public employment in the service of the
15 commonwealth or of any political subdivision.

16 (b) An application for employment used by an employer that seeks information
17 concerning prior arrests, convictions or adjudications of delinquency of the applicant shall
18 include, in addition to the statement required under section 100A, the following statement: “An
19 applicant for employment with a sealed record on file with the commissioner of probation may
20 answer ‘no record’ with respect to an inquiry herein relative to prior arrests or criminal court
21 appearances.” The attorney general may enforce this section by a suit in equity commenced in
22 the superior court. Notwithstanding this section or any other general or special law to the
23 contrary, the commissioner of probation or the clerk of courts in any district court, superior
24 court, juvenile court or the Boston municipal court, in response to inquiries by authorized
25 persons other than by a law enforcement agency or a court, shall, in the case of a sealed record,
26 report that no record exists.