

SENATE No. 77

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 from central registry.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 77

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 77) of Bruce E. Tarr for legislation relative to expungement from central registry. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

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

An Act relative to expungement from central registry.

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 51F of Chapter 119 is hereby amended by inserting at the end thereof
2 the following:-

3 A person whose name has been placed on the Registry and has been listed on the Registry
4 for at least seven years may file a written request with the Commissioner or the Commissioner's
5 designee seeking a review for the purpose of expunging an individual Registry record. The
6 Commissioner or the Commissioner's designee shall grant a review upon request.

7 The person shall have the burden of proving that a reasonable person would believe that
8 he or she no longer presents a risk to the safety or well-being of children. Factors to be
9 considered by the Commissioner or the authorized designee shall include:

10 (1) the nature of the substantiation that resulted in the person's name being placed on
11 the Registry;

12 (2) the number of substantiations, if more than one;

- 13 (3) the amount of time that has elapsed since the substantiation;
- 14 (4) the circumstances of the substantiation that would indicate whether a similar
15 incident would be likely to occur;
- 16 (5) any activities that would reflect upon the person's changed behavior or
17 circumstances, such as therapy, employment, or education; and
- 18 (6) references that attest to the person's good moral character.

19 At the review, the person who requested the review shall be provided with the
20 opportunity to present any evidence or other information, including witnesses, that supports his
21 or her request for expungement. Upon the person's request, the review may be held by
22 teleconference.

23 A person may seek a review under this section no more than once every 36 months.

24 Within 30 days of the date on which the Commissioner mailed notice of the decision
25 pursuant to this section, a person may appeal the decision in accordance with Chapter 30A.

26 The Department shall take steps to provide reasonable notice to persons on the Registry
27 of their right to seek an expungement under this section. Actual notice is not required.
28 Reasonable steps may include activities such as the production of an informative fact sheet about
29 the expungement process, posting of such information on the Department website, and other
30 approaches typically taken by the Department to inform the public about the Department's
31 activities and policies. The Department shall send notice of the expungement process to any
32 person listed on the Registry for whom a Registry check has been requested.