

HOUSE No. 1434

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act enhancing public safety by establishing a criminal offender database..

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 2004
2 Official Edition, is amended by adding the following text after the word “incarceration” in line
3 28: (Notwithstanding the foregoing provisions, conviction information as well as custody status
4 records, including information as to placement within the correctional system, shall be a public
5 record available to the public for any purpose, to be accessible on the Internet in accordance with
6 section 182 of this chapter, provided the following: (a) that conviction information shall also be
7 available by writing to the board; (b) that no information shall be disclosed that identifies
8 families members, friends, medical or psychological history, or any other personal information
9 unless such information is directly relevant to such release or custody placement decision; and
10 (c) that no information shall be provided if its release would violate any other state or federal
11 law.

12 SECTION 2. Said section 167 of said chapter 6 of the General Laws, as so appearing, is
13 hereby further amended by adding the following new definition: (“Conviction information”
14 shall mean criminal offender record information, which has not been sealed or purged, and which

15 discloses that a person has pleaded guilty or nolo contendere to, or was convicted of any criminal
16 offense, and the information as to the individual's current status within the criminal justice
17 system, including, but not limited to, information as to whether the individual has been released
18 from custody due to service of sentence, parole or probation, or if incarcerated, the individual's
19 placement within the correctional system. Cases ending in the disposition of continued without a
20 finding shall not be considered a conviction.

21 SECTION 3. Section 168 of said chapter 6 of the General Laws, as so appearing, is
22 hereby amended by adding the following paragraph after the fourth paragraph: (The board shall
23 establish and maintain a criminal offender database, so-called, that shall be accessible to the
24 public on the internet. Said database shall consist of conviction information, and be searchable,
25 at a minimum, by name, town and offense. The database shall also consist of information as to
26 whether the offender is currently released from custody, on parole or probation, or if the offender
27 is incarcerated, his or her placement within the correctional system.

28 SECTION 4. Section 168A of said chapter 6 of the General Laws, as so appearing, is
29 hereby amended by striking out the second paragraph in its entirety.

30 SECTION 5. Section 172 of said chapter 6 of the General Laws, as so appearing, is
31 hereby amended by adding the following words after the word "information" in line 3: (with the
32 exception of conviction information, which shall be a public record,

33 SECTION 6. Said section 172 of said chapter 6 of the General Laws, as so appearing, is
34 hereby further amended by adding the following words after the word "information" in line 57: (
35 with the exception of conviction information, which shall be a public record,

36 SECTION 7. Said section 172 of said chapter 6 of the General Laws, as so appearing, is
37 hereby further amended by striking out the seventh paragraph, contained in lines 97 through 112,
38 in its entirety, and inserting in place thereof the following paragraphs: (

39 Notwithstanding the foregoing provisions, conviction information shall be public record
40 to be accessible to the general public on the internet, in accordance with section 168 of this
41 chapter provided the following: (a) that conviction information shall also be available by writing
42 to the board; (b) that no information shall be disclosed that identifies families members, friends,
43 medical or psychological history, or any other personal information unless such information is
44 directly relevant to such release or custody placement decision; and (c) that no information shall
45 be provided if its release would violate any other state or federal law.

46 The parole board, except as required by section 130 of chapter 127, the department of
47 correction, a county correctional authority, or probation department with the approval of a justice
48 to the appropriate division of the trial court, may, in its discretion, make available a summary,
49 which may include references to evaluative information, concerning a decision to release an
50 individual on a permanent or temporary basis, to deny such release, or to change his custody
51 status.

52 SECTION 8. Section 173 of said chapter 6 of the General Laws, as so appearing, is
53 hereby amended by adding the following words after the word “information” in line 2: (with the
54 exception of conviction information, which shall be a public record,

55 SECTION 9. Said section 173 of said chapter 6 of the General Laws, as so appearing, is
56 hereby further amended by striking out the words “shall require preservation of the anonymity of
57 the individuals to whom such information relates” in lines 3 and 4.

58 SECTION 10. Said section 173 of said chapter 6 of the General Laws, as so appearing, is
59 hereby further amended by adding the following words after the word “information” in line 12: (
60 with the exception of conviction information, which shall be a public record.