

SENATE No. 1595

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act enhancing the criminal offender register information system..

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 168 of Chapter 6 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following:- There shall be a criminal history systems board, hereinafter called the
4 board, consisting of the following persons: the secretary of public safety and security, who shall
5 serve as chairman, the secretary of labor and workforce development, the attorney general, the
6 chairperson of the Massachusetts sentencing commission, the chief counsel for the committee for
7 public counsel services, the chairman of the parole board, the commissioner of the department of
8 correction, the commissioner of probation and commissioner of the department of youth services
9 and the colonel of state police, or their designees, all of whom shall serve ex officio, and 10
10 persons to be appointed by the governor for a term of 3 years, 1 of whom shall represent the
11 Massachusetts District Attorneys Association, 1 of whom shall represent the Massachusetts
12 Sheriffs Association, and 1 of whom shall represent the Massachusetts Chiefs of Police
13 Association, 1 of whom shall represent private users of criminal offender record information, 1
14 of whom shall be a victim of crime, 2 of whom shall be a provider of victim services, 2 of whom

15 shall have experience in the areas of workforce development, ex-offender rehabilitation, or
16 economic development, and 2 of whom shall be persons who have experience in issues relating
17 to personal privacy. Upon the expiration of the term of any appointive member, his successor
18 shall be appointed in a like manner for a term of 3 years.

19 SECTION 2. Said section 168 is further amended by striking out, in line 50, the word
20 “hundred” and inserting in place thereof the following: - thousand.

21 SECTION 3. Said chapter 6 of the General Laws, as so appearing, is hereby amended by
22 inserting after section 168 the following section:- Section 168½. There shall be within the
23 executive office of public safety and security a criminal justice information services department,
24 hereinafter called the department. The department shall provide for and exercise control over the
25 installation, operation and maintenance of data processing and data communication systems,
26 hereinafter called the criminal justice information system. Said system shall be designed to
27 ensure the prompt collection, exchange, dissemination and distribution of such criminal offender
28 record information as may be necessary for the efficient administration and operation of criminal
29 justice agencies, and to connect such systems directly or indirectly with similar systems in this or
30 other states and federal agencies including the Federal Bureau of Investigation (FBI) that utilize
31 fingerprints or iris scanning and similar databases. The secretary of public safety and security
32 shall appoint an executive director who shall be classified in accordance with Section 45 of
33 Chapter 30 and the salary shall be determined in accordance with Section 46C of said Chapter
34 30. Said director shall be responsible for all data processing, for the management of the
35 automated criminal offender record information and teleprocessing system, for the supervision of
36 all personnel associated with that system and for the appointment of all such personnel. The

37 director may appoint such other employees, including experts and consultants, as he deems
38 necessary to carry out the department's responsibilities.

39 The department is authorized to enter into contracts and agreements with, and accept
40 gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision
41 of federal, state, county, or municipal government and any individual, foundation, corporation,
42 association, or public authority for the purpose of providing or receiving services, facilities or
43 staff assistance in connection with its work. Such funds shall be deposited with the state treasurer
44 and may be expended by the department in accordance with the conditions of the gift, grant,
45 contribution, or bequest, without specific appropriation.

46 SECTION 4. Section 172 of said chapter 6 is hereby amended by inserting after the word
47 "privacy", in line 14 and in line 40, the following:- "and the importance and value of successful
48 reintegration of ex-offenders."

49 SECTION 5: Said section 172 of said chapter 6 is hereby amended by inserting at the end
50 thereof the following:- "No employer, agency, entity or person shall be held liable for negligent
51 hiring, negligent supervision, negligent retention or any other claim based directly or indirectly
52 upon the failure by that employer, agency, entity or person to request, obtain, or consider, from
53 any source, information consisting of or relating to criminal offender record information, if such
54 information would be restricted from receipt, disclosure or consideration pursuant to this section,
55 G.L. c.151B(4)(9), or any other statute or regulation."

56 SECTION 6. Section 18 of chapter 6A of the General Laws, as appearing in the 2006
57 Official Edition, is hereby amended by striking it in its entirety and inserting in place thereof the
58 following section:- Section 18. The following state agencies are hereby declared to be within the

59 executive office of public safety and security; the department of public safety; the department of
60 fire services; the office of grants and research and the highway safety division; the municipal
61 police training committee; the criminal justice information services department; the statewide
62 emergency telecommunications board; the merit rating board; the department of state police; the
63 office of the chief medical examiner; the Massachusetts emergency management agency; the
64 military department; the department of correction, including the parole board; the sex offender
65 registry board; and all other agencies and boards within said departments, committees and
66 boards.

67 SECTION 7. Section 100A of chapter 276 of the General Laws, as appearing in the 2006
68 Official Edition, is hereby amended by inserting, after line 40, the following:- “Sex offenses, as
69 defined in Section 172C of Chapter 6, shall not be eligible for sealing.”

70 SECTION 8. Said chapter 276 of the General Laws, is hereby amended by inserting
71 after Section 100C the following section:- Section 100D. Notwithstanding any provision of
72 Section 100A, 100B, or 100C of this Chapter, criminal justice agencies as defined in Section 167
73 of Chapter 6 shall have immediate access to, and be permitted to use as necessary for the
74 performance of their criminal justice duties, any sealed criminal offender record information as
75 defined in Section 167 of Chapter 6 and any sealed information concerning criminal offenses or
76 acts of delinquency committed by any person before he attained the age of 17.