

SENATE No. 1721

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act mandating that offenses for which a pardon has been granted be expunged from Criminal Offender Record Information Reports..

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 172 of chapter 6 of the General Laws is hereby amended by adding
2 the following paragraph: - If a petition for a pardon is granted pursuant to section 152 of chapter
3 127, the board shall cause such petitioner's record in the criminal offender record information
4 system to be expunged of any reference or information, including the granting of a pardon,
5 relative to the offense for which the petitioner has been pardoned. Upon request, the board shall
6 provide a copy of such amended report to the recipient of such pardon. Upon a showing that the
7 pardoned person may be or has been subject to an adverse decision because of the dissemination
8 of a criminal offender record containing information relative to the offense for which a pardon
9 has been granted, the board shall provide a copy of the amended criminal offender record to any
10 person or agency before which a decision is pending or may be reconsidered. If a pardon is
11 subsequently revoked, pursuant to said section 152 of said chapter 127, the board shall cause the
12 record of such person to be amended in the criminal offender record information system and
13 such amended record may be exchanged, disseminated and distributed consistent with this
14 paragraph.

SECTION 2. Notwithstanding any general or special law or rule or regulation to the contrary, within 180 days after the effective date of this act, the criminal history systems board shall cause the criminal offender record information of any person pardoned before the effective date of this act to be expunged of any reference or information, including the granting of a pardon, from the criminal offender record information system relative to the offense for which the pardon was granted. Upon request, the board shall provide a copy of such amended report to the recipient of the pardon. Upon a showing that the pardoned person may be or has been subject to an adverse decision because of the dissemination of a criminal offender record containing information relative to the offense for which a pardon has been granted, board shall provide a copy of the amended criminal offender record to any person or agency before which a decision is pending or may be reconsidered.