

SENATE No. 793

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

SENATE No. 793

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 793) of Brian A. Joyce for legislation to mandate that offenses for which a pardon has been granted be expunged from criminal offender record information reports. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1721 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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
2 by adding the following paragraph: - If a petition for a pardon is granted pursuant to section 152
3 of chapter 127, the board shall cause such petitioner’s record in the criminal offender record
4 information system to be expunged of any reference or information, including the granting of a
5 pardon, relative to the offense for which the petitioner has been pardoned. Upon request, the
6 board shall provide a copy of such amended report to the recipient of such pardon. Upon a
7 showing that the pardoned person may be or has been subject to an adverse decision because of
8 the dissemination of a criminal offender record containing information relative to the offense for
9 which a pardon has been granted, the board shall provide a copy of the amended criminal
10 offender record to any person or agency before which a decision is pending or may be

11 reconsidered. If a pardon is subsequently revoked, pursuant to said section 152 of said chapter
12 127, the board shall cause the record of such person to be amended in the criminal offender
13 record information system and such amended record may be exchanged, disseminated and
14 distributed consistent with this paragraph.

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