SENATE DOCKET, NO. 950 FILED ON: 1/17/2013

SENATE . . . . . No. 1167

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

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 creating a drug dealer registry in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Bruce E. Tarr	*First Essex and Middlesex*

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SENATE . . . . . No. 1167

By Mr. Ross, a petition (accompanied by bill, Senate, No. 1167) of Richard J. Ross and Bruce E. Tarr for legislation to create a drug dealer registry in the commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act creating a drug dealer registry in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 94C of the General Laws, as so appearing, is hereby amended by adding after section 32E the following section:-

Section 32E½. (a) As used in this section, the following term shall have the following meaning:

"Drug trafficker" means a person who has been convicted of a violation of Chapter 94C section 32 subsection (a), or Chapter 94C section 32E subsection (b), or Chapter 94C section 32E subsection (c).

(b)There shall be, in the Massachusetts bureau of investigation, a drug trafficking registry

for the purpose of identifying drug traffickers and making that information available to law enforcement and the general public. Said registry shall be supervised and maintained by said bureau in conjunction with the department of public health. For every person convicted of Chapter 94C section 32 subsection (a), or Chapter 94C section 32E subsection (b), or Chapter 94C section 32E subsection (c) on or after the effective date of this Act, the drug trafficking registry shall contain information relating to each drug trafficker. The information shall include the drug trafficker's name, date of birth, photograph, offense or offenses requiring inclusion in the drug trafficking registry, the conviction date and county of each such offense, and such other identifying information as the Massachusetts bureau of investigation and department of public health deem necessary to identify the drug trafficker, but shall not include the social security number of the drug trafficker.

20 (c) The Massachusetts bureau of investigation shall make the information contained in
21 the

22 statewide drug trafficking registry accessible on the Internet by means of a hyperlink
23 labeled "Drug Trafficking Registry" on the department of public safety's World Wide Web
24 home page. The Massachusetts bureau of investigation shall update that information as it deems
25 necessary.

26 (d) The Massachusetts bureau of investigation shall promulgate rules and regulations
27 setting

28 forth the procedures and methods for implementing this section and those rules and
29 regulations must include procedures to ensure that the information in the registry is accurate, and
30 that the information in the registry reflects any changes based on the reversal of a conviction for
31 an offense requiring inclusion in the drug trafficking registry, or a court order requiring the
32 sealing or expungement of records relating to the offense. A certified copy of such an order shall
33 be deemed prima facie true and correct and, shall be sufficient to require the immediate
34 amendment or removal of any person's information from the drug trafficking registry by the
35 Massachusetts bureau of investigation.

36 (e) Within 60 days after the effective date of this Act, the court clerks shall forward

37 monthly to the Massachusetts bureau of investigation a copy of the judgment for each and
38 all persons convicted of an offense within the definition of drug trafficker, as defined in
39 subsection (a) during the previous month.

40 (f) Within 120 days after the effective date of this Act, the department of corrections shall

41 forward to the Massachusetts bureau of investigation a list of all persons incarcerated or
42 on mandatory supervised release, who have been convicted of an offense within the definition of
43 drug trafficker, as defined in subsection (a).

44 (g) Police officials and other public employees acting in good faith shall not be liable in a

45 civil or criminal proceeding for any publication on the Internet under subsection (c) or
46 other dissemination of drug trafficking registry information.

47 (h) The Massachusetts bureau of investigation shall remove from the registry the name
48 and

49 other identifying information of persons who are convicted of a violation of the offenses
50 described in subsection (b) seven (7) years after the date of the most recent judgment.'"