SENATE DOCKET, NO. 968 FILED ON: 1/15/2015

SENATE . . . . . No. 900

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 relative to expungement of criminal or juvenile records for individuals who committed offenses as children or young adults.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	*Second Middlesex and Norfolk*
Tricia Farley-Bouvier	*3rd Berkshire*
Josh S. Cutler	*6th Plymouth*
Jason M. Lewis	*Fifth Middlesex*
Michael O. Moore	*Second Worcester*
James B. Eldridge	*Middlesex and Worcester*
Patricia D. Jehlen	*Second Middlesex*
Mary S. Keefe	*15th Worcester*
Leonard Mirra	*2nd Essex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*
Byron Rushing	*9th Suffolk*
Linda Dorcena Forry	*First Suffolk*
Sal N. DiDomenico	*Middlesex and Suffolk*
Chris Walsh	*6th Middlesex*
John F. Keenan	*Norfolk and Plymouth*

SENATE DOCKET, NO. 968 FILED ON: 1/15/2015

SENATE . . . . . No. 900

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 900) of Karen E. Spilka, Tricia Farley-Bouvier, Josh S. Cutler, Jason M. Lewis and other members of the General Court for legislation relative to expungement of criminal or juvenile records for individuals who committed offenses as children or young adults. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to expungement of criminal or juvenile records for individuals who committed offenses as children or young adults.

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 276 of the General Laws, as appearing in the 2012 official edition, is hereby amended by inserting after section 100D the following new section:-

Section 100E. Notwithstanding the provisions of section 100A, any person at any age having a record of juvenile or criminal court appearances and dispositions in the commonwealth on file with the office of the commissioner of probation may have convictions or adjudications expunged from their criminal and court records if they committed such offense prior to the age of 21 years old. Any sentence or disposition imposed by the court must be terminated prior to the expungement of any such records.

Misdemeanor offenses shall be expunged automatically upon the termination of the individual's sentence or, where applicable, period of commitment or probation imposed pursuant to Chapter 119 Section 58. In a form furnished by the commissioner of probation, an individual

may file a petition to a judge in the court in which such adjudication or disposition occurred to expunge a felony offense. The court shall comply with such request provided the offender has completed their sentence or disposition or, where applicable, period of commitment or probation imposed pursuant to Chapter 119 Section 58, and said person has not been adjudicated delinquent or found guilty of any new criminal offense within the Commonwealth prior to the completion of their sentence. A motor vehicle offense in which the penalty does not exceed a fine of fifty dollars shall not be treated as a new criminal offense under this section.

The Court shall, at the time of imposing any sentence or disposition or, where applicable, period of commitment or probation pursuant to Chapter 119 Section 58, inform all eligible individuals of their right to seek expungement under this section.

Notwithstanding any other provision to the contrary, the commissioner of probation shall report such expunged record to inquiring police, court agencies, and other authorized persons only as "no record." An applicant for employment with an expunged record on file with the commissioner of probation may answer "no record" to any inquiry regarding prior arrests, delinquency appearances, delinquency adjudications, or delinquency dispositions that were contained in such expunged record.

Once the commissioner expunges the records within his possession, he shall forthwith notify the clerk and probation officer of the courts in which the adjudications or dispositions occurred, or other entries have been made, and the Department of Youth Services of such expungement, and said clerks, probation officers, and Department of Youth Services shall each expunge such records from their files. Records shall be expunged both in their electronic form as well as their physical form.

The charges, adjudications, and dispositions expunged shall not operate to disqualify such person in any examination, appointment, or application for public employment in the service of the Commonwealth or any other subdivision thereof, nor shall such charges, adjudications, or dispositions be used against such person in anyway in any court proceeding or hearing before any court, board, or commission to which the person is a party to the proceeding.

The words, “expunge, expunged, or expungement”, as used in this chapter shall mean permanent erasure or destruction.