

HOUSE No. 4426

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
, MA

KARYN POLITO
LIEUTENANT GOVERNOR

April 13, 2018

To the Honorable House of Representatives,

Earlier today I signed An Act Implementing the Joint Recommendations of the Massachusetts Criminal Justice Review and An Act Relative to Criminal Justice Reform. I am grateful for the partnership among members of our administration, the legislature and the judiciary in conducting the Massachusetts Criminal Justice Review and working together on this landmark legislation. I am also thankful for the tremendous effort the legislature has put into crafting An Act Relative to Criminal Justice Reform. This complicated piece of legislation touches many different parts of the criminal justice system. When viewed as a whole, the legislation makes our system better. There are process improvements from policing to corrections. Some sentences are enhanced; others are modified to allow for judicial discretion. Overall, this proposal makes the criminal justice system stronger by giving prosecutors new tools to combat the opioid epidemic and by holding offenders accountable while also giving them greater abilities to achieve positive outcomes in their lives.

There are, however, some aspects of An Act Relative to Criminal Justice Reform which I believe require significant modification. There are also other provisions that may have unintended, negative consequences that should be corrected. In view of all of the urgently needed reforms this bill entails, I believe it is appropriate to avoid the delay in enactment that would result if I were to return the legislation with proposed amendments. Accordingly, I signed the legislation and am submitting for your consideration “An Act Building on Criminal Justice Reform” to address these issues.

Our administration has already begun reaching out to members of the legislature to discuss some of these changes. Based on those initial discussions, I expect that there are a number of changes which we agree are appropriate and on which we can reach prompt resolution. These include:

- Ensuring that law enforcement agencies, the Department of Early Education and Care and other agencies that currently have access to sealed records maintain that access. The ability to review sealed records is critical to firearms licensing decisions and the evaluation of day care providers and other professionals who care for and interact with children.
- Preserving the ability of sheriffs and the Department of Correction to transfer a sentenced prisoner from a house of correction to a Department of Correction facility in appropriate circumstances.
- Strengthening the new expungement procedures against a potential constitutional challenge by ensuring that any courtroom closure is done after due consideration of the public's right to access the courts.
- Preventing certain crimes involving children from being dismissed over the objection of a prosecutor or converted into civil infractions.
- Clarifying updates to the juvenile justice laws to ensure that the police, courts and the Department of Youth Services are best able to perform their respective roles in the juvenile justice process.
- Restoring a provision of Melanie's Law that lengthened the mandatory driver's license suspension for motor vehicle homicide from ten years to fifteen years.

Other proposals will require more discussion and debate. In my view, there are some provisions in An Act Relative to Criminal Justice Reform that require significant modification to strike the proper balance in several areas, including respecting decision-making within a family, ensuring that mandated reporters of child abuse are able to continue making those reports in all circumstances, and giving appropriate deference to the Department of Correction in the management of our prisons.

First, the Act prevents a parent from testifying against his or her child in a criminal case even if the parent concludes that the consequences from the justice system are the best thing for that child or their family as a whole and wants to testify. While I agree that, except in cases where the victim is a member of the family, no parent or child should be forced to testify against the other, we should respect the decisions of parents and children who want to be heard in court. When a willing witness to a crime comes forward, courts should hear from that person. Restricting testimony means more cases in which justice is not done. The enclosed bill converts this ban on testimony into a privilege that can be exercised by a parent or child.

Second, the enclosed bill also clarifies that the confidentiality provisions of the new restorative justice program do not supersede the duty of a mandated reporter to report the abuse or neglect of a child.

Third, the Act places a number of requirements on the Department of Correction. While many of these requirements reflect current agency practice, others impose new and unnecessary burdens on the Department that will have serious negative impacts on the operation and safety of our prisons. The enclosed bill addresses these issues by restoring necessary discretion to the Department, with a particular focus on the provisions of the Act relating to restrictive housing. We can all agree that there should be limits on the use of restrictive housing, that is, a housing assignment in which an inmate is confined to a cell for more than 22 hours per day. We can also all agree that those with serious mental illnesses need special consideration. However, the Act's definition of serious mental illness is so broad that it includes any inmate with an anxiety disorder, no matter how well managed with medication, and trauma and stressor related disorders. The enclosed bill includes a more narrow definition of "serious mental illness" that, when appropriate, incorporates the concept of significant functional impairment.

Additional provisions in the enclosed bill improve the medical parole process and the Forensic Science Oversight Board established by the Act. Those serving life without parole for first degree murder, sexually dangerous persons and sex offenders who have yet to be finally classified will be categorically ineligible for medical parole. The Commissioner of Correction and doctors who participate in the medical parole process will be insulated from civil liability. Time consuming judicial review, which can be particularly inappropriate when a prisoner has a terminal illness, is eliminated. The Forensic Science Oversight Board is updated to take into account the vital role accrediting bodies play in the oversight of crime labs. In addition to updating and expanding the Board's membership to include people with relevant experience working in accredited crime laboratories, the enclosed bill ensures adequate law enforcement representation on the Board and includes enhanced conflict of interest provisions. The Board's governance structure is also altered to provide for majority rule.

Finally, the Act creates a number of new requirements for public safety agencies. Meeting these mandates is not possible without hiring new staff, purchasing new equipment and software, updating computer systems and building new lab space. This requires additional funding. Accordingly, the enclosed bill seeks a \$15,000,000 appropriation to begin implementation of the Act in Fiscal Year 2018 and Fiscal Year 2019. Sufficient revenues are estimated to be available to finance this appropriation. While we are continuing to work on cost estimates for Fiscal Year 2019, I expect that the Fiscal Year 2019 budget will need to include as much as an additional \$40,000,000 to fully implement the Act.

I urge your prompt and favorable review of this legislation.

Respectfully submitted

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act building on criminal justice reform.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith make certain changes in laws relative to and appropriate funds necessary for the administration of justice in the Commonwealth and, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2018, the sum set forth in section 2A is hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2018. This sum shall be in addition to any amounts
7 previously appropriated and made available for the purposes of that item. This sum shall be
8 available until June 30, 2019.

9

10 SECTION 2A.

11 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

12 Office of the Secretary

13 1599-1028 For a reserve to meet the expenses associated with the implementation of
14 chapter 69 of

15 the acts of 2018; provided, that the secretary of administration and finance may transfer
16 funds from this item to state agencies as defined in section 1 of chapter 29 of the General Laws
17 \$15,000,000

18 SECTION 3. Chapter 6 of the General Laws, as amended by section 9 of chapter 69 of
19 the acts of 2018, is hereby further amended by striking out section 184A and inserting in place
20 thereof the following section:-

21 Section 184A. (a) There shall be a forensic science oversight board in the executive
22 office of public safety and security. The board shall have oversight authority over all
23 commonwealth facilities engaged in forensic services in criminal investigations, and shall
24 provide enhanced, objective and independent oversight of the handling and analysis of forensic
25 evidence used in criminal matters, including the integrity of such forensic analysis performed in
26 state and municipal laboratories.

27 The board shall consist of: the undersecretary for forensic sciences or a designee, who
28 shall serve as chair; and 16 additional members who shall be appointed by the governor, 1 of
29 whom shall be a forensic scientist with practical experience in an accredited crime laboratory, 1
30 of whom shall have senior level expertise in forensic laboratory management within an
31 accredited crime laboratory, 1 of whom shall have expertise in cognitive bias, 1 of whom shall

32 have expertise in statistics, 1 of whom shall be in academia in a research field involving forensic
33 science, 1 of whom shall have expertise in Massachusetts law enforcement, 1 of whom shall be
34 a forensic scientist who shall have a specialty in the natural, physical or biological sciences, 1 of
35 whom shall have expertise in quality assurance management within an accredited crime
36 laboratory, 1 of whom shall be nominated by the Massachusetts District Attorneys Association, 1
37 of whom shall be nominated by the attorney general, 1 of whom shall be nominated by the
38 committee for public counsel services, 1 of whom shall be nominated by the Massachusetts
39 Association of Criminal Defense Lawyers, Inc., 1 of whom shall be nominated by the New
40 England Innocence Project, Inc., 1 of whom shall be nominated by the Massachusetts Chiefs of
41 Police Association, 1 of whom shall be nominated by the Massachusetts Major City Chiefs of
42 Police Association, Inc., and 1 of whom shall have expertise in forensic pathology and be
43 nominated by the Chief Medical Examiner.

44 A member, other than the undersecretary for forensic sciences or a designee and those
45 members nominated by a person or committee, shall not be employed by or affiliated with a
46 commonwealth or municipal forensic laboratory throughout the term of membership and shall
47 not be engaged in providing testimony in the area of forensic science in criminal or civil cases
48 within the commonwealth. Members who are not state employees shall be considered special
49 state employees for purposes of chapter 268A.

50 (b) All appointments to the board shall be for a term of 4 years, with the members
51 initially appointed serving staggered terms. A vacancy, other than by expiration of term, shall be
52 filled by the governor for the unexpired term. Staff for the board shall be provided by the
53 executive office of public safety and security. The board shall meet at times and places as is
54 requested by a majority of its members and shall not meet less than quarterly. Members shall not

55 designate a proxy to vote in their absence. Members of the board shall serve without
56 compensation but shall be reimbursed for reasonable and necessary expenses incurred in the
57 performance of their duties.

58 (c) Not more than 6 months following the appointment of its membership, the board
59 shall, subject to appropriation, conduct a comprehensive review of the operation and
60 management of all publicly operated facilities in the commonwealth engaged in forensic services
61 in criminal investigations. Such review shall include, but not be limited to, evaluating: (i) the
62 capabilities of each such facility engaged in forensic services and such facility's ability to
63 process evidence necessary to comply with the General Laws; (ii) the condition and accuracy of
64 testing equipment; (iii) the handling, processing, testing and storage of evidence by such
65 facilities; (iv) the professional qualifications and standards necessary to serve as the head of the
66 facility; and (v) the qualifications and management of laboratory personnel. The results of such
67 review, together with any recommendations for regulatory or legislative actions, shall be
68 reported to the clerks of the house and senate, the secretary of public safety and security, the
69 joint committee on the judiciary, the joint committee on public safety and homeland security, the
70 house and senate committee on ways and means, the colonel of the state police and the chief of
71 police for any municipality operating such a facility.

72 (d) The board shall, subject to appropriation, upon a majority vote, initiate an
73 investigation into any forensic science, technique or analysis used in a criminal matter upon: (i)
74 application by a person alleging that a forensic technique in common use is not scientifically
75 valid; or (ii) a determination that an investigation of a forensic analysis would advance the
76 integrity and reliability of forensic science in the commonwealth.

77 The board shall report the results of an investigation by the board, with any resulting
78 recommendations, to the executive office of public safety and security, the joint committee on
79 public safety and homeland security, the supreme judicial court, the Massachusetts District
80 Attorneys Association, the attorney general, the committee for public counsel services, the
81 Massachusetts Association of Criminal Defense Lawyers, Inc. and the New England Innocence
82 Project, Inc.

83 (e) The board shall develop, implement and periodically review a system for forensic
84 laboratories to report professional negligence or misconduct and any such facility shall be
85 required to report to the board any instance of professional negligence and misconduct.

86 (f) The board shall actively engage stakeholders in the criminal justice system in forensic
87 development initiatives and shall recommend ways to improve education and training in forensic
88 science and the law, and identify measures to improve the quality of forensic analysis performed
89 in laboratories.

90 (g) The board shall develop, implement and periodically review a system to evaluate
91 laboratory accreditation, including securing and maintaining such accreditation for non-
92 accredited laboratories, and shall ensure that every facility is actively accredited and in
93 compliance with standards promulgated by the International Organization of Standardization.

94 (h) The board shall review any budget request of the undersecretary for forensic
95 sciences, including any recommendations for the allocation of resources and expansion of
96 services, and may provide its own recommendations to the secretary of the executive office of
97 public safety and security.

98 (i) The board shall review protocols to ensure proper chain of custody of evidence. (j)
99 The board shall receive and review quarterly reports from the undersecretary for forensic
100 sciences that shall include such information as the board requests, and which shall, at a
101 minimum, include: (1) the volume of forensic services of each facility; (2) the volume of forensic
102 services requests for each county; (3) the length of time from submission for testing and the
103 return of results from such facilities; and (4) the accreditation status of each facility..

104 At the direction of the board, the undersecretary for forensic sciences shall advise the
105 board on issues as the board shall request. The undersecretary shall make recommendations for
106 the allocation of resources and expansion of services, and on an annual basis, submit budget
107 recommendations to the secretary of the executive office of public safety and security and the
108 board.

109 SECTION 4. Subsection (a) of section 3 of chapter 22E of the General Laws, as inserted
110 by section 19 of said chapter 69, is hereby amended by inserting after the first sentence the
111 following sentence:- No person who has a DNA record in the state DNA database and is
112 subsequently convicted of such an offense or adjudicated a youthful offender by reason of such
113 an offense shall be required to submit an additional sample.

114 SECTION 5. Subsection (d) of section 24G of chapter 90 of the General Laws, as
115 inserted by section 37 of said chapter 69, is hereby amended by striking out the first sentence and
116 inserting in place thereof the following sentence:- When a motor vehicle is the instrument of the
117 offense, the registrar shall revoke the license or right to operate of a person convicted of a
118 violation of subsection (a), (b) or (c), or punished under section 13 of chapter 265, for a period of
119 15 years after the date of conviction for a first offense.

120 SECTION 6. Section 32H½ of chapter 94C of the General Laws, as inserted by chapter
121 72 of the acts of 2018, is hereby amended by striking out subsection (a) and inserting in place
122 thereof the following subsection:-

123 (a) As used in this section, the words “ineligible offender” shall have the following
124 meaning: any person sentenced to a mandatory minimum term of imprisonment in the state
125 prison upon conviction for: (1) violating sections 32, 32F or 32K, or subsections (c), (c½) or
126 (c¾) of section 32E; (2) violating section 32A by knowingly or intentionally manufacturing,
127 distributing, dispensing or possessing with intent to manufacture, distribute or dispense a
128 controlled substance defined in clauses (1), (2) or (3) of paragraph (a) of Class B of section 31 or
129 any other offense under this chapter involving the illegal manufacturing, distribution, dispensing
130 or possession with intent to manufacture, distribute or dispense a naturally occurring, synthetic
131 or semi-synthetic opioid; or (3) violating this chapter, upon a finding of any 1 of the following
132 aggravating circumstances: (i) the person used violence or threats of violence or possessed a
133 firearm, rifle, shotgun, machine gun or a weapon described in paragraph (b) of section 10 of
134 chapter 269, or induced another participant to do so, during the commission of the offense; (ii)
135 the person engaged in a course of conduct whereby he directed the activities of another who
136 committed any felony in violation of chapter 94C; or (iii) the offense was committed during the
137 commission or attempted commission of a violation of section 32F or section 32K of chapter
138 94C.

139 SECTION 7. Section 52 of chapter 119 of the General Laws, as amended by section 72
140 of chapter 69 of the acts of 2018, is hereby further amended by striking out the definition of
141 “Delinquent child” and inserting in place thereof the following definition:-

142 “Delinquent child”, a child between 12 and 18 years of age who commits any offense
143 against a law of the commonwealth; provided, however, that a child shall not be adjudged a
144 delinquent child for an offense that is a civil infraction, a violation of any municipal ordinance or
145 town by-law or a first offense of a misdemeanor for which the punishment is a fine,
146 imprisonment in a jail or house of correction for not more than 6 months or both such fine and
147 imprisonment.

148 SECTION 8. Section 87 of said chapter 119, as inserted by section 80 of said chapter 69,
149 is hereby amended by striking out subsection (a) and inserting in place thereof the following
150 subsection:-

151 (a) The department of youth services and the department of correction shall not place in a
152 secure detention facility or secure correctional facility any juvenile who has: (1) been charged
153 with or who has committed an offense that would not be criminal if committed by an adult,
154 except juveniles who are held in accordance with the interstate compact on juveniles, as enacted
155 by the commonwealth; (2) not been alleged or adjudicated to be a delinquent child or youthful
156 offender; or (3) been alleged to be dependent on the court, neglected or abused if that allegation
157 is the sole basis for the placement.

158 SECTION 9. Section 1 of chapter 127 of the General Laws, as amended by section 86 of
159 said chapter 69, is hereby further amended by striking out the definition of “Serious mental
160 illness” and inserting in place thereof the following 2 definitions:-

161 “Serious mental illness”, a current or recent diagnosis by a qualified mental health
162 professional, of 1 or more of the following disorders described in the most recent edition of the
163 Diagnostic and Statistical Manual of Mental Disorders (DSM): (i) schizophrenia,

164 schizophreniform, schizoaffective, and other psychotic disorders not otherwise specified; (ii)
165 major depressive disorders; (iii) bipolar disorders I and II; (iv) a neurodevelopmental disability,
166 dementia or other cognitive disorder that results in a significant functional impairment involving
167 acts of self-harm or other behaviors that have a seriously adverse effect on life or on mental or
168 physical health; (v) any disorder commonly characterized by breaks with reality or perceptions
169 of reality that lead the individual to experience significant functional impairment involving acts
170 of self-harm or other behaviors that have a seriously adverse effect on life or on mental or
171 physical health; or (viii) severe personality disorders that are manifested by episodes of
172 psychosis or depression and result in significant functional impairment involving acts of self-
173 harm or other behaviors that have a seriously adverse effect on life or on mental or physical
174 health;

175 “Significant functional impairment”, a functional impairment where (i) the inmate has
176 engaged in self harm involving deliberate acts by the inmate that inflict damage to, or threaten
177 the integrity of, one’s own body. Such acts include but are not limited to the following
178 behaviors: hanging, self-strangulation, asphyxiation, cutting, self-mutilation, ingestion of a
179 foreign body, insertion of a foreign body, head banging, drug overdose, jumping and biting; (ii)
180 the inmate has demonstrated difficulty in his or her ability to engage in activities of daily living,
181 including eating, grooming and personal hygiene, maintenance of housing area, participation in
182 recreation, and ambulation, as a consequence of any DSM disorder; (iii) the inmate has
183 demonstrated a pervasive pattern of dysfunctional or disruptive social interactions including
184 withdrawal, bizarre or disruptive behavior, as a consequence of any DSM disorder.

185 SECTION 10. Section 32A of said chapter 127, as inserted by section 91 of said chapter
186 69, is hereby amended by striking out clause (iv) and inserting in place thereof the following
187 clause:-

188 (iv) housed in an appropriate correctional facility with consideration given to the
189 prisoner's housing preference, unless the commissioner, the sheriff or a designee of the
190 commissioner or sheriff certifies in writing that the prisoner's particular housing request would
191 not ensure the prisoner's health or safety or that the requested placement would present
192 management or security problems.

193 SECTION 11. Section 39 of said chapter 127, as inserted by section 93 of said chapter
194 69, is hereby amended by striking out subsection (b) and inserting in place thereof the following
195 subsection:-

196 (b) In addition to meeting all mandatory standards for health and sanitation in
197 correctional facilities established by the department of public health, restrictive housing units
198 shall provide: (i) meals that meet the same nutritional standards defined by the commissioner as
199 for general population prisoners; (ii) access to showers not less than 3 days per week; (iii)
200 visitation privileges and communication by those properly authorized; provided, however, that
201 said authorization may be diminished for the enforcement of discipline for a period not to exceed
202 15 days in a state correctional facility or 10 days in a county correctional facility for any given
203 offense; (iv) access to reading and writing materials unless clinically contraindicated; (v) access
204 to a radio or television if confinement exceeds 30 days; provided, however, that such access may
205 be diminished for the enforcement of discipline for a period not to exceed 15 days in a state
206 correctional facility or 10 days in a county correctional facility for any given offense; (vi) access

207 to limited canteen purchases and privileges to retain property in a prisoner's cell, consistent with
208 the safety and security of the unit; provided, however, that such access and privileges may be
209 restricted for the enforcement of discipline for a period not to exceed 15 days in a state
210 correctional facility or 10 days in a county correctional facility for any given offense; (vii) the
211 same access to disability accommodations as prisoners in general population, except where
212 inconsistent with the security of the unit; and (viii) other rights and privileges as may be
213 established or recognized by the commissioner.

214 SECTION 12. Subsection (a) of section 39B of said chapter 127, as so inserted, is hereby
215 amended by striking out clause (iv) and inserting in place thereof the following clause:-

216 (iv) has been committed to disciplinary restrictive housing, not later than 6 months and
217 every 6 months thereafter.

218 SECTION 13. Said section 39B of said chapter 127, as so inserted, is hereby amended
219 by striking out subsection (d) and inserting in place thereof the following subsection:-

220 (d) A prisoner who is placed in a secure treatment unit shall receive review of that
221 placement by such prisoner's treatment team upon arrival at the unit and on an ongoing basis as
222 clinically indicated.

223 SECTION 14. Section 39D of said chapter 127, as so inserted, is hereby amended by
224 striking out subsection (a) and inserting in place thereof the following subsection:-

225 The commissioner shall publish quarterly and provide directly to the restrictive housing
226 oversight committee the number of prisoners held in each restrictive housing unit within each
227 state and county correctional facility.

228 SECTION 15. Section 39F of said chapter 127, as so inserted, is hereby amended by
229 striking out the second paragraph and inserting in place thereof the following paragraph:-

230 Notwithstanding the previous paragraph, any prisoner who has fewer than 180 days until
231 the prisoner's mandatory release date or parole release date and is held in restrictive housing
232 shall be offered re-entry programming that shall include, but shall not be limited to, substantial
233 re-socialization programming in a group setting, regular mental health counseling to assist with
234 the transition, housing assistance, assistance obtaining state and federal benefits, employment
235 readiness training and programming designed to help the person rebuild interpersonal
236 relationships, which may include, but shall not be limited to, reentry planning services similar to
237 those offered to inmates in a general population setting.

238 SECTION 16. Section 48 of said chapter 127, as amended by section 95 of said chapter
239 69, is hereby further amended by striking out the second paragraph and inserting in place thereof
240 the following paragraph:-

241 Subject to appropriation, the commissioner shall maintain and administer as deemed
242 appropriate at least 1 educational program leading to the award of a high school equivalency
243 certificate for persons who are committed to the custody of the department or to a county
244 correctional facility for not less than 6 months, and who have not obtained a high school degree
245 or equivalency.

246 SECTION 17. Section 97 of said chapter 127, as appearing in the 2016 Official Edition,
247 is hereby amended by striking out, in line 6, the words "except the state prison".

248 SECTION 18. Section 119A of said chapter 127, as inserted by section 97 of chapter 69
249 of the acts of 2018, is hereby amended by striking out subsection (g) and inserting in place
250 thereof the following subsection:-

251 (g) The authority to grant or deny medical parole rests solely within the discretion of the
252 commissioner.

253 SECTION 19. Said section 119A, as so inserted, is hereby further amended by adding
254 the following two subsections:-

255 (j) No prisoner serving a life sentence without the possibility of parole, and no sexually
256 dangerous person as defined in section 1 of chapter 123A, shall be eligible for medical parole.
257 No person convicted of a sex offense as defined in section 178C of chapter 6A shall be eligible
258 for medical parole until the prisoner has been finally classified by the sex offender registry
259 board, and the district attorney, or the attorney general at the request of the district attorney, has
260 had the opportunity to petition the court, consistent with the requirements of section 14 of
261 chapter 123A, for a trial to determine if the prisoner is a sexually dangerous person.

262 (k) Physicians, employers of physicians, and public employees shall not be liable in a
263 civil proceeding for any act or omission pursuant to the provisions of this section if acting in
264 good faith.

265 SECTION 20. Section 20 of chapter 233 of the General Laws, as amended by section
266 111 of said chapter 69, is hereby further amended by striking out clause Fourth and inserting in
267 place thereof the following clause:-

268 Fourth, A parent shall not be compelled to testify against the parent’s minor child and a
269 minor child shall not be compelled to testify against the child’s parent in a proceeding before an
270 inquest, grand jury, trial of an indictment or complaint or any other criminal, delinquency or
271 youthful offender proceeding in which the victim in the proceeding is not a family member and
272 does not reside in the family household; provided, however, that for the purposes of this clause,
273 “parent” shall mean the natural or adoptive mother or father of said child; provided further, that a
274 parent shall not testify as to any communication with the parent’s minor child that was for the
275 purpose of seeking advice regarding the minor child’s legal rights.

276 SECTION 21. Chapter 276 of the General Laws is hereby amended by striking out
277 sections 100P and 100Q, as inserted by section 195 of said chapter 69, and inserting in place
278 thereof the following 2 sections:-

279 Section 100P. The court shall, upon a written finding of good cause, exclude the general
280 public from any judicial proceeding where the court will be hearing a petition for an
281 expungement admitting only such persons as may have a direct interest in the case.

282 Section 100Q. Unless otherwise provided by law, no person shall make records sealed
283 pursuant to section 100A, or 100B available for inspection in any form by any person. No person
284 shall make records expunged pursuant to section 100F, section 100G, section 100H or section
285 100K available for inspection in any form by any person.

286 SECTION 22. The second sentence of section 4 of chapter 276B of the General Laws, as
287 inserted by section 202 of said chapter 69, is hereby amended by adding the following words:- ;
288 provided, further that nothing in this section shall preclude a mandated reporter from meeting
289 statutory obligations.

290 SECTION 23. Section 70C of chapter 277 of the General Laws, as amended by sections
291 203 through 205 of said chapter 69, is hereby further amended by striking out the second
292 sentence and inserting in place thereof the following sentence:- The provisions of this section
293 shall not apply to the offenses in sections 22F, 24, 24D, 24G, 24L, and 24N of chapter 90,
294 sections 8, 8A, and 8B of chapter 90B, sections 34, 36, 39, 51A, 51E, 51F, 55, 63 and 63A of
295 chapter 119, chapter 119A, chapter 209, chapter 209A, chapter 265, section 25 of chapter 266,
296 sections 1, 2, 3, 6, 6A, 6B, 8B, 13, 13A, 13B, 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 23, 28,
297 31 and 36 of chapter 268, chapter 268A, sections 10, 10A, 10C, 10D, 10E, 11B, 11C, 11E, 12,
298 12A, 12B, 12D and 12E of chapter 269 and sections 1, 2, 3, 4, 4A, 4B, 6, 7, 8, 12, 13, 16, 28,
299 29A and 29B of chapter 272.