

SENATE No. 1352

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:	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/24/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/14/2017</i>

SENATE No. 1352

By Mr. Ross, a petition (accompanied by bill, Senate, No. 1352) of Richard J. Ross, Steven S. Howitt and Bruce E. Tarr for legislation to create a drug dealer registry in the commonwealth. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1294 OF 2015-2016.]

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Chapter 94C of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by adding after section 32E the following section:-

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

5 “Drug trafficker” means a person who has been convicted of a violation of Chapter 94C
6 section 32 subsection (a), or Chapter 94C section 32E subsection (b), or Chapter 94C section
7 32E subsection (c).

8 (b) There shall be, in the Massachusetts bureau of investigation, a drug trafficking registry
9 for the purpose of identifying drug traffickers and making that information available to law

10 enforcement and the general public. Said registry shall be supervised and maintained by said
11 bureau in conjunction with the department of public health. For every person convicted of
12 Chapter 94C section 32 subsection (a), or Chapter 94C section 32E subsection (b), or Chapter
13 94C section 32E subsection (c) on or after the effective date of this Act, the drug trafficking
14 registry shall contain information relating to each drug trafficker. The information shall include
15 the drug trafficker's name, date of birth, photograph, offense or offenses requiring inclusion in
16 the drug trafficking registry, the conviction date and county of each such offense, and such other
17 identifying information as the Massachusetts bureau of investigation and department of public
18 health deem necessary to identify the drug trafficker, but shall not include the social security
19 number of the drug trafficker.

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

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

33 (e) Within 60 days after the effective date of this Act, the court clerks shall forward
34 monthly to the Massachusetts bureau of investigation a copy of the judgment for each and all
35 persons convicted of an offense within the definition of drug trafficker, as defined in subsection
36 (a) during the previous month.

37 (f) Within 120 days after the effective date of this Act, the department of corrections shall
38 forward to the Massachusetts bureau of investigation a list of all persons incarcerated or on
39 mandatory supervised release, who have been convicted of an offense within the definition of
40 drug trafficker, as defined in subsection (a).

41 (g) Police officials and other public employees acting in good faith shall not be liable in a
42 civil or criminal proceeding for any publication on the Internet under subsection (c) or other
43 dissemination of drug trafficking registry information.

44 (h) The Massachusetts bureau of investigation shall remove from the registry the name
45 and other identifying information of persons who are convicted of a violation of the offenses
46 described in subsection (b) seven (7) years after the date of the most recent judgment.