

SENATE No. 1681

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 the collection, accuracy and public availability of arrest data.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/27/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>1/31/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>10/2/2017</i>

SENATE No. 1681

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1681) of William N. Brownsberger, Jay R. Kaufman, Jack Lewis, Marjorie C. Decker and other members of the General Court for legislation relative to the collection, accuracy and public availability of arrest data. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relative to the collection, accuracy and public availability of arrest data.

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 167A of chapter 6 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the phrase “chapter 66”, at line 108, the
3 following:-

4 (i)The department shall obtain data concerning arrests, consistent with the National
5 Incident-Based Reporting System (NIBRS) of the Uniform Crime Reporting Program of the
6 United States Department of Justice Federal Bureau of Investigation, from

7 (A) the Massachusetts State Police;

8 (B) the Massachusetts bay transportation authority police force;

9 (C) each law enforcement authority, as defined by section 1 of chapter 22A of the

10 General Laws;

11 (D) each law enforcement council, created by contract between or among cities and
12 towns, pursuant to section 4 of chapter 40 of the General Laws; and

13 (E) each entity employing one or more special state police officers, as defined in section
14 63 of chapter 22C of the General Laws;

15 and shall transmit that data to the chief information officer at the Massachusetts Office of
16 Information Technology. Any law enforcement authority or other entity described in clauses
17 (C), (D) and (E) that does not submit to the Criminal Justice Information System data consistent
18 with NIBRS as of the effective date of this act shall be required to begin submitting the arrest
19 data required under this act beginning on or before January 1, 2021. The department shall obtain
20 arrest data on a quarterly basis, and shall submit the data to the Office of Information
21 Technology on a quarterly basis. The department shall promulgate regulations concerning the
22 format for the submission of arrest data; the categories and types of arrest data required to be
23 submitted to the department, which shall include for each arrest (a) the name of the arresting
24 authority, (b) the incident number, (c) the alleged offense, (d) the date and time of the arrest, (e)
25 the location of the arrest, and (f) the race, gender and age of the arrestee; a description of
26 categories of data which constitute personally identifiable information, including but not limited
27 to names and dates of birth of individual arrestees, which data shall not be posted or made
28 available to the public; and schedules for the submission, transmission, and publication of the
29 data.

30 SECTION 2. Section 3 of chapter 7D of the General Laws, as so appearing, is hereby
31 amended by inserting after the word “agencies”, in line 32, the following:-

32 (xii) maintain a page on the commonwealth's official website, open to the public through
33 the Massachusetts open data portal, providing data, as transmitted by the department of criminal
34 justice information services, concerning arrests, as reported by Massachusetts state, municipal
35 and other law enforcement agencies as part of the National Incident-Based Reporting System
36 (NIBRS) of the Uniform Crime Reporting Program of the United States Department of Justice
37 Federal Bureau of Investigation.