SENATE DOCKET, NO. 1243 FILED ON: 1/19/2017

SENATE . . . . . No. 947

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 promoting transparency, best practices, and better outcomes for children and communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Karen E. Spilka	*Second Middlesex and Norfolk*	
Jason M. Lewis	*Fifth Middlesex*	*1/25/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/25/2017*
Jack Lewis	*7th Middlesex*	*1/27/2017*
Patricia D. Jehlen	*Second Middlesex*	*1/27/2017*
William N. Brownsberger	*Second Suffolk and Middlesex*	*1/30/2017*
Marjorie C. Decker	*25th Middlesex*	*1/30/2017*
David Paul Linsky	*5th Middlesex*	*1/31/2017*
Michelle M. DuBois	*10th Plymouth*	*1/31/2017*
Michael D. Brady	*Second Plymouth and Bristol*	*1/31/2017*
Michael J. Barrett	*Third Middlesex*	*2/1/2017*
Paul R. Heroux	*2nd Bristol*	*2/1/2017*
Linda Dean Campbell	*15th Essex*	*2/2/2017*
Carolyn C. Dykema	*8th Middlesex*	*2/2/2017*
Cynthia Stone Creem	*First Middlesex and Norfolk*	*2/2/2017*
Daniel J. Ryan	*2nd Suffolk*	*2/2/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/2/2017*

Thomas M. McGee	*Third Essex*	*2/2/2017*
Elizabeth A. Malia	*11th Suffolk*	*2/3/2017*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*	*2/3/2017*
Linda Dorcena Forry	*First Suffolk*	*2/3/2017*
Joseph A. Boncore	*First Suffolk and Middlesex*	*2/3/2017*

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SENATE . . . . . No. 947

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 947) of Karen E. Spilka, Jason M. Lewis, James B. Eldridge, Jack Lewis and other members of the General Court for legislation to promote transparency, best practices, and better outcomes for children and communities. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *905* OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act promoting transparency, best practices, and better outcomes for children and communities.

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. Section 167 of chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 38, 40 and 41, the figure “18”and inserting in place thereof the following figure:- 19.

SECTION 2. Said section 167 of said chapter 6 is hereby further amended by striking out the figure “19”, in lines 38, 40 and 41, and inserting in place thereof the following figure:- 20.

SECTION 3. Said section 167 of said chapter 6 is hereby further amended by striking out the figure “20”, in lines 38, 40 and 41, and inserting in place thereof the following figure:- 21.

SECTION 4. Section 20 of chapter 31 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out in line 10 the figure “18” and inserting in place thereof the following figure:- 19.

SECTION 5. Said section 20 of said chapter 31 is hereby further amended by striking out the figure “19”, in line 10, and inserting in place thereof the following figure:- 20.

SECTION 6. Said section 20 of said chapter 31 is hereby further amended by striking out the figure “20”, in line 10, and inserting in place there of the following figure:- 21.

SECTION 7. Section 24 of chapter 37 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 14, and inserting in place thereof the following figure:- 19.

SECTION 8. Said section 24 in said chapter 37 is hereby further amended by striking out the figure “19”, in line 14, and inserting in place thereof the figure:- 20.

SECTION 9. Said section 24 in said chapter 37 is hereby further amended by striking out the figure “20”, in line 14, and inserting in place thereof the figure:- 21.

SECTION 10. Subsection (b) of section 37P of chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In selecting a school resource officer, the chief of police shall assign candidates that the chief believes would strive to foster an optimal learning environment and educational community; provided, however, that the chief of police shall give preference to candidates who

have received specialized training in (i) child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents; (ii) behavioral health disorders in children and adolescents; (iii) alternatives to arrest and other juvenile justice diversion strategies; and (iv) behavioral threat assessment methods. The appointment shall not be based solely on seniority. The performance of school resource officers shall be reviewed annually by the superintendent and the chief of police. The superintendent and the chief of police shall enter into a written memorandum of understanding to clearly define the role and duties of the school resource officer which shall be placed on file in the offices of the school superintendent and the chief of police. The memorandum of understanding shall: (A) state that the school resource officer may use traditional policing techniques, including arrest, citation and court referral only when necessary to address and prevent serious, real and immediate threats to the physical safety of the school and the wider community; (B) state that school resource officer shall not become involved in routine discipline in response to nonviolent school infractions, including tardiness, loitering, use of profanity, dress code violations and disruptive or disrespectful behaviors; (C) set forth protocols for utilizing the expertise of mental health professionals in addressing the needs of students with behavioral and emotional difficulties in crisis situations and otherwise; (D) require school resource officers to devote professional development time to school-based or other training activities that promote heightened awareness of the various challenges faced by students in the school to which they are assigned, with an emphasis on those that impart information regarding child development, including the incidence and impact of adverse childhood experiences, de-escalation techniques and implicit or unconscious bias; (E) specify how the school and police departments shall regularly monitor and assure that school resource officer is complying with the terms of the memorandum of understanding and avoiding

inappropriate arrest, citation or court referral; and (F) specify the manner and division of responsibility for collecting and reporting all school based arrests, citations and court referrals of students to the department of elementary and secondary education in accordance with regulations promulgated by that department which shall collect and publish disaggregated data in a like manner as school discipline data is made available for public review.

SECTION 11. Section 23 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the figure "$500", in line 53, the following words:- ; provided, however, that notwithstanding any general or special law to the contrary, a finding of delinquency shall not be entered against a person against whom such a complaint has been issued.

SECTION 12. Section 34J of said chapter 90, as so appearing, is hereby amended by inserting after the figure "$500" in line 59, the following words:- ; provided, however, that notwithstanding any general or special law to the contrary, any person who violates this section who has not been previously determined responsible for or convicted of a violation of this section, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not been previously rendered, shall not have a finding of delinquency entered against such person.

SECTION 13. Section 32H of chapter 94C, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure "18", in lines 33 and 34, and inserting in place thereof the following figure:- 19

SECTION 14. Said section 32H of said chapter 94C is hereby further amended by striking out the figure "19", in lines 33 and 34, and inserting in place thereof the figure:- 20

SECTION 15. Said section 32H of said chapter 94C is hereby further amended by striking out the figure “20”, in lines 33 and 34, and inserting in place there of the figure:- 21

SECTION 16. Section 32M of chapter 94C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the word “eighteen”, in line 1, and inserting in place thereof the following word:- 19

SECTION 17. Said section 32M of said chapter 94C is hereby further amended by striking out the word “19”, in line 1, and inserting in place there of the following word:- 20

SECTION 18. Said section 32M of said chapter 94C is hereby further amended by striking out the word “20”, in line 1, and inserting in place there of the following figure:- 21

SECTION 19. Said section 32M of said chapter 94C of is hereby amended by striking out the figure “18”, in line 6, and inserting in place thereof the following figure:- 19

SECTION 20. Said section 32M of said chapter 94C is hereby further amended by striking out the figure “19”, in line 6, and inserting in place there of the following figure:- 20

SECTION 21. Said section 32M of said chapter 94C is hereby further amended by striking out the figure “20”, in line 6, and inserting in place there of the following figure:- 21

SECTION 22. Section 36 of said chapter 94C is hereby amended by striking out the word “eighteenth”, in line 6, and inserting in place thereof the following word:-nineteenth

SECTION 23. Said section 36 of said chapter 94C is hereby further amended by striking out the word “nineteenth”, in line 6, and inserting in place there of the following word:- twentieth

SECTION 24. Said section 36 of said chapter 94C is hereby further amended by striking out the word “twentieth”, in line 6, and inserting in place there of the following word:- twenty first

SECTION 25. Section 52 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out the definitions of “Court” and “Delinquent child” and inserting in place thereof the following 3 definitions:-

“Civil infraction”, a violation for which a civil proceeding is allowed and for which the court shall neither sentence a violator to a term of incarceration nor appoint counsel pursuant to chapter 211D.

“Court,” a division of the juvenile court department of the trial court.

“Delinquent child”, a child between 12 and 18 years of age who commits an offense against a law of the commonwealth; provided, however, that such offense shall not include a civil infraction or a violation of a municipal ordinance or by-law.

SECTION 26. Section 52 of chapter 119, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 5, and inserting in place thereof the following figure:- 19

SECTION 27. Said section 52 of said chapter 119 is hereby further amended by striking out the figure “19”, in line 5, and inserting in place thereof the following figure:- 20

SECTION 28. Said section 52 of said chapter 119 is hereby further amended by striking out the figure “20”, in line 5, and inserting in place thereof the following figure:- 21

SECTION 29. Said section 52 of said chapter 119 is hereby further amended by striking out, the figure “18”, in line 15, and inserting in place thereof the following figure:- 19

SECTION 30. Said section 52 of said chapter 119 is hereby further amended by striking out the figure “19”, in line 15, and inserting in place thereof the following figure:- 20

SECTION 31. Said section 52 of said chapter 119 is hereby further amended by striking out the figure “20”, in line 15, and inserting in place thereof the following figure:- 21

SECTION 32. Section 54 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 12.

SECTION 33. Section 54 of said chapter 119 is hereby amended by striking out the figure “18”, in lines 2 and 21, and inserting in place thereof the following figure:- 19

SECTION 34. Said section 54 of said chapter 119 is hereby further amended by striking out the figure “19”, in lines 2 and 21, and inserting in place thereof the following figure:- 20

SECTION 35. Said section 54 of said chapter 119 is hereby further amended by striking out the figure “20”, in lines 2 and 21, and inserting in place thereof the following figure:- 21

SECTION 36. Section 58 of said chapter 119 is hereby amended by striking out the second paragraph.

SECTION 37. The first paragraph of section 58 of said chapter 119 is hereby amended by striking out the words “that any such probation may be imposed until such child reaches age eighteen or age nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday or age 20 in the case of a child whose case is disposed of after he attains his nineteenth birthday”, in lines 8 to 12, inclusive, and inserting in place thereof the following

words:- that any such probation may, in the case of an offense that occurred prior to the child's eighteenth birthday, be imposed until such child reaches age 18 or 19 in the case of a child whose case is disposed of after the child has attained the child's eighteenth birthday or age 20 in the case of a child whose case is disposed of after the child attains the child's nineteenth birthday. In the case of an offense that occurred on or after the child's eighteenth birthday, such probation may be imposed until such child reaches age 19 or age 20 in the case of a child whose case is disposed of after the child has attained the child's nineteenth birthday, or age 21 in the case of a child whose case is disposed of after the child attains the child's twentieth birthday.

SECTION 38. Said section 58 is hereby further amended by inserting after the words " after he attains his twentieth birthday", in line 12, the following words:- or age 22 in the case of a child whose case is disposed of after the child attains the child's twenty-first birthday

SECTION 39. Section 58 is hereby further amended by inserting after the words "his twenty first birthday", in line 12, the following words:- or age 23 in the case of a child whose case is disposed of after the child attains the child's twenty-second birthday

SECTION 40. Said section 58 of said chapter 119, as so appearing, is hereby further

amended by inserting after the words "attains the age of eighteen", in lines 26 to 27, inclusive, the following words:- in a case where the offense occurred prior to the child's eighteenth birthday,

SECTION 41. Section 58 of said chapter 119, as so appearing, is hereby further amended by inserting after the words "nineteenth birthday", in lines 29 to 30, inclusive, the following words:- In a case where the offense occurred on or after the child's eighteenth birthday, the probationary or commitment period shall not be for a period longer than until such child attains

the age of nineteen, or twenty in the case of a child whose case is disposed of after he has attained his nineteenth birthday, or twenty-one in the case of a child whose case is disposed after he has attained his twentieth-birthday, or twenty-two in the case of a child whose case is disposed of after he has attained his twenty-first birthday.

SECTION 42. Said section 58 of said chapter 119, is hereby further amended by inserting after the words “twenty-one”, in line 38, the following words:- in a case where the offense occurred prior to the child’s eighteenth birthday, or until he reaches the age of twenty-three in the case of a child whose offense occurred on or after the child’s eighteenth birthday

SECTION 43. Said section 58 of said chapter 119, is hereby further amended by inserting after the words “twenty-one”, in lines 46 to 47, inclusive, the following words:- in a case where the offense occurred prior to the child’s eighteenth birthday, or until he reaches the age of twenty-three in the case of a child whose offense occurred on or after the child’s eighteenth birthday

SECTION 44. Said section 58 of said chapter 119, is hereby further amended by inserting after the words “juvenile court probation department until the age of twenty-one”, in line 48, the following words:- in a case where the offense occurred prior to the child’s eighteenth birthday, or until the age of twenty-three in the case of a child whose offense occurred on or after the child’s eighteenth birthday

SECTION 45. Said section 58 of said chapter 119 is hereby further amended by inserting after the words “twenty-one”, in line 54, the following words:- in a case where the offense occurred prior to the child’s eighteenth birthday, or until he reaches the age of twenty-three in the case of a child whose offense occurred on or after the child’s eighteenth birthday

SECTION 46. The fifth paragraph of section 58 of said chapter 119, is hereby amended by striking out the words “eighteenth”, in line 79, and inserting in place thereof the following words:- “twenty-first”

SECTION 47. Said section 58 of said chapter 119 is hereby further amended by striking out the words “until such child attains his eighteenth birthday or his nineteenth birthday in the case of a child whose case is disposed of after he has attained his eighteenth birthday”, in lines 97 to 99, inclusive, and inserting the following words:- until such child attains his nineteenth birthday or his twentieth birthday in the case of a child whose case is disposed of after he has attained his nineteenth birthday

SECTION 48. Said section 58 of said chapter 119 is hereby further amended by striking out the words “ until such child attains his nineteenth birthday or his twentieth birthday in the case of a child whose case is disposed of after he has attained his nineteenth birthday”, in lines 97 to 99, inclusive, and inserting the following words:- until such child attains his twentieth birthday or his twenty first birthday in the case of a child whose case is disposed of after he has attained his twentieth birthday

SECTION 49. Said section 58 of said chapter 119 is hereby further amended by striking out the words“ until such child attains his twentieth birthday or his twenty first birthday in the case of a child whose case is disposed of after he has attained his twentieth birthday”, in lines 97 to 99, inclusive, and inserting the following words:- until such child attains his twenty first birthday or his twenty second birthday in the case of a child whose case is disposed of after he has attained his twenty first birthday

SECTION 50. Section 60A of said chapter 119 is hereby amended by striking out the word “eighteenth”, in line 17, and inserting in place thereof the following word:- nineteenth

SECTION 51. Said section 60A of said chapter 119 is hereby further amended by striking out the word, “nineteenth”, in line 17, and inserting in place thereof the following word:- twentieth

SECTION 52. Said section 60A of said chapter 119 is hereby further amended by striking out the word, “twentieth”, in line 17, and inserting in place thereof the following words:- twenty first

SECTION 53. Said section 60A of said chapter 119 is hereby further amended by striking out the figure, “18”, in lines 20 and 22, and inserting in place thereof the following figure:- 19

SECTION 54. Said section 60A of said chapter 119 is hereby further amended by striking out the figure, “19”, in lines 20 and 22 and inserting in place thereof the following figure:- 20

SECTION 55. Said section 60A of said chapter 119 is hereby further amended by striking out the figure, “20”, in lines 20 and 22, and inserting in place thereof the following figure:- 21

SECTION 56. Section 63A of said chapter 119 is hereby amended by striking out the figure “19”, in line 1, and inserting in place thereof the following figure:- 20

SECTION 57. Said section 63A of said chapter 119 is hereby further amended by striking out the figure “20”, in line 1, and inserting in place thereof the following figure:- 21

SECTION 58. Said section 63A of said chapter 119 is hereby amended by striking out the figure “21”, in line 1, and inserting in place thereof the following figure:- 22

SECTION 59. Said section 63A of said chapter 119 is hereby further amended by striking out the figure “18”, in line 2, and inserting in place thereof the following figure:- 19

SECTION 60. Said section 63A of said chapter 119 is hereby further amended by striking out the figure “19”, in line 2, and inserting in place thereof the following figure:- 20

SECTION 61. Said section 63A of said chapter 119 is hereby further amended by striking out the figure “20”, in line 2, and inserting in place thereof the following figure:- 21

SECTION 62. Section 65 of said chapter 119 is hereby amended by striking out the figure “18”, in line 2, and inserting in place thereof the following figure:-19

SECTION 63. Said section 65 of said chapter 119 is hereby further amended by striking out the figure “19”, in line 2, and inserting in place thereof the following figure:- 20

SECTION 64. Said section 65 of said chapter 119 is hereby further amended by striking out the figure “20”, in line 2, and inserting in place thereof the following figure:- 21

SECTION 65. Section 66 of said chapter 119 is hereby amended by striking out the figure “18”, in lines 3 and 5, and inserting in place thereof the following figure:- 19

SECTION 66. Said section 66 of said chapter 119 is hereby further amended by striking out the figure “19”, in lines 3 and 5, and inserting in place thereof the following figure:- 20

SECTION 67. Said section 66 of said chapter 119 is hereby further amended by striking out the figure “20”, in lines 3 and 5, and inserting in place thereof the following figure:- 21

SECTION 68. Section 67 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 12.

SECTION 69. Section 67 of said chapter 119 is hereby amended by striking out the figure “18”, in lines 2, 20, 21, 37 and 47, and inserting in place thereof the following figure:- 19

SECTION 70. Said section 67 of said chapter 119 is hereby further amended by striking out the figure “19”, in lines 2, 20, 21, 37 and 47, and inserting in place thereof the following figure:- 20

SECTION 71. Said section 67 of said chapter 119 is hereby further amended by striking out the figure “20”, in lines 2, 20, 21, 37 and 47, and inserting in place thereof the following figure:- 21

SECTION 72. Section 68 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 1 and 34, the word “seven” and inserting in place thereof, in each instance, the following figure:- 12.

SECTION 73. Said section 68 of said chapter 119 is hereby further amended by striking out the figure “18”, in lines 2, 34 and 52, and inserting in place thereof the following figure:- 19

SECTION 74. Said section 68 of said chapter 119 is hereby further amended by striking out the figure “19”, in lines 2, 34 and 52, and inserting in place thereof the following figure:- 20

SECTION 75. Said section 68 of said chapter 119 is hereby further amended by striking out the figure “20”, in lines 2, 34 and 52, and inserting in place thereof the following figure:- 21

SECTION 76. Section 68A of said chapter 119, as so appearing, is hereby amended by striking out, in line 1, the word “seven” and inserting in place thereof the following figure:- 12.

SECTION 77. Said section 68A of said chapter 119 is hereby further amended by striking out the figure “18”, in line 1, figureand inserting in place thereof the following figure:- 19.

SECTION 78. Said section 68A of said chapter 119 is hereby further amended by striking out the figure “19”, in line 1, figureand inserting in place thereof the following figure:- 20.

SECTION 79. Said section 68A of said chapter 119 is hereby further amended by striking out the figure “20”, in line 1, and inserting in place thereof the following figure:- 21.

SECTION 80. Section 70 of said chapter 119, as so appearing, is hereby amended by striking out the figure “18”, in line 2, figure and inserting in place thereof the following figure:- 19.

SECTION 81. Said section 70 of said chapter 119 is hereby further amended by striking out the figure “19”, in line 2, and inserting in place thereof the following figure:- 20.

SECTION 82. Said section 70 of said chapter 119 is hereby further amended by striking out the figure “20”, in line 2, and inserting in place thereof the following figure:- 21.

SECTION 83. Section 72 of said chapter 119 is hereby amended by striking out the word “ eighteenth”, in line 3, and inserting in place thereof the following word:- nineteenth.

SECTION 84. of Said section 72 of said chapter 119 is hereby further amended by striking out the word “nineteenth”, in line 3, and inserting in place thereof the following word:- twentieth.

SECTION 85. Said section 72 of said chapter 119 is hereby further amended by striking out the word “twentieth”, in line 3, and inserting in place thereof the following word:- twenty-first.

SECTION 86. Said Section 72 of said chapter 119 is hereby amended by striking out the word “ twentieth” ,in line 9, and inserting in place thereof the following word:- twenty-first.

SECTION 87. Said section 72 of said chapter 119 is hereby further amended by striking out the word “twenty-first”, inline 9, and inserting in place thereof the following word:- twenty-second.

SECTION 88. said section 72 of said chapter 119 is hereby further amended by striking out the word “twenty second”,in line 9, and inserting in place thereof the following words:- twenty-third.

SECTION 89. Said section 72 of said chapter 119, as so appearing, is hereby further amended by striking outthe words “ prior to his eighteenth birthday, and is not apprehended until between such child’s eighteenth and nineteenth birthday, the court shall deal with such child in the same manner as if he has not attained his eighteenth birthday” , in lines 10 to 13, inclusive, and inserting in place thereof the following words:- prior to a child’s nineteenth birthday, and is not apprehended until between such child’s nineteenth and twentieth birthday, the court shall deal with such child in the same manner as if the child has not attained the child’s nineteenth birthday.

SECTION 90. Said section 72 of said chapter 119 are hereby further amended by striking out the words “prior to his nineteenth birthday, and is not apprehended until between such child’s nineteenth and twentieth birthday, the court shall deal with such child as if he has not attained his nineteenth birthday”, in lines 10 to 13, inclusive, and inserting in place thereof the following words:- prior to the child’s twentieth birthday, and is not apprehended until between such child’s twentieth and twenty-first birthday, the court shall deal with such child as if the child has not attained the child’s twentieth birthday.

SECTION 91. Said section 72 of said chapter 119 are hereby further amended by striking out the words “prior to his twentieth birthday, and is not apprehended until between such child’s twentieth and twenty-first birthday, the court shall deal with such child as if he has not attained his twentieth birthday”, in lines 10 to 13, inclusive, and inserting in place thereof the following words:- prior to the child’s twenty-first birthday, and is not apprehended until between such child’s twenty-first and twenty-second birthday, the court shall deal with such child as if he has not attained his twenty-first birthday.

SECTION 92. Subsection (b) of said section 72 of said chapter 119 is hereby amended by striking out the word “eighteenth”, in line 18, and inserting in place thereof the following words:- nineteenth.

SECTION 93. Said subsection (b) of said section 72 of said chapter 119 is hereby further amended by striking out the word “nineteenth”, in line 18, and inserting in place thereof the following words:- twentieth.

SECTION 94. Said subsection (b) of said section 72 of said chapter 119 is hereby further amended by striking out the word “ twentieth”, in line 18, and inserting in place thereof the following words:- twenty-first.

SECTION 95. Said section 72 of said chapter 119 is hereby further amended by striking out the word “twenty first”, in line 25, and inserting in place there of the following words:- twenty-third.SECTION 94. Section 72A of said chapter 119 is hereby amended by striking out the words “eighteenth birthday, and is not apprehended until after his nineteenth,” in lines 2 to 3, inclusive, and inserting in place thereof the following words:- nineteenth birthday, and is not apprehended until after the person’s twentieth.

SECTION 96. Said section 72A of said chapter 119 is hereby further amended by striking out the words “nineteenth birthday, and is not apprehended until after his twentieth birthday”, in lines 2 to 3, inclusive, and inserting in place thereof the following words:- twentieth birthday, and is not apprehended until after the person’s twenty-first birthday.

SECTION 97. Said section 72A of said chapter 119 is hereby further amended by striking out the words “twentieth birthday, and is not apprehended until after his twenty-first birthday”, in lines 2 to 3, inclusive, and inserting in place thereof the following words:- twenty-first birthday, and is not apprehended until after the person’s twenty-second birthday.

SECTION 98. Section 72B of said chapter 119 is hereby amended by striking out the word “eighteenth” in lines 3, 7, 25 and 31, each time it appears, and inserting in place thereof the following word:- nineteenth.

SECTION 99. Said section 72B of said chapter 119 is hereby further amended by striking out the word “nineteenth”, in lines 3, 7, 25 and 31, each time it appears, and inserting in place there of the word:- twentieth.

SECTION 100. Said section 72B of said chapter 119 is hereby further amended by striking out the word “twentieth”, in lines 3, 7, 25 and 31, each time it appears and inserting in place there of the words:- twenty-first.

SECTION 101. Section 74 of said chapter 119, as so appearing, is hereby amended by striking out the word “eighteenth”, in line 3, and inserting in place thereof the following word:- nineteenth.

SECTION 102. of Said section 74 of said chapter 119 is hereby further amended by striking out the word “nineteenth”, in line 3, and inserting in place thereof the word:- twentieth.

SECTION 103. Said section 74 of said chapter 119 is hereby further amended by striking out the word “twentieth”, in line 3, and inserting in place thereof the words:- twenty-first.

SECTION 104. Said section 74 of said chapter 119 is hereby further amended by striking out the figure “18” in lines 10 and 14, each time it appears, and inserting in place thereof the following figure:- 19.

SECTION 105. Said section 74 of said chapter 119 is hereby further amended by striking out the figure “19”, in lines 10 and 14, each time it appears, and inserting in place thereof the following figure:- 20.

SECTION 106. Said section 74 of said chapter 119 is hereby further amended by striking out the figure “20”, in lines 10 and 14, each time it appears, and inserting in place thereof the following figure:- 21.

SECTION 107. Section 84 of said chapter 119, as so appearing, is hereby amended by striking out, in line 12, the word “seven” and inserting in place thereof the following figure:- 12.

SECTION 108. Said section 84 of said chapter 119 is hereby amended by striking out the words “eighteen (or nineteen)”, in lines 12 to 13, inclusive, and inserting in place thereof the following words:- 19 (or 20).

SECTION 109. Said section 84 of said chapter 119 is hereby further amended by striking out the words “19 (or 20)”, in lines 12 to 13, inclusive, and inserting in place thereof the following words:- 20 (or 21).

SECTION 110. Said section 84 of said chapter 119 is hereby further amended by striking out the words “20 (or 21)”, in lines 12 to 13, inclusive, and inserting in place thereof the following words:- 21 (or 22)

SECTION 111. Said chapter 119 is hereby further amended by adding the following 2 sections:-

Section 86. (a) For the purposes of this section and section 87, the following words shall have the following meanings unless the context clearly requires otherwise:

“Juvenile”, a person appearing before a division of the juvenile court department who is under the age of 18 in a delinquency, child requiring assistance or care and protection case, or a person under the age of 21 in a youthful offender case.

“Restraints”, devices that limit voluntary physical movement of an individual, including leg irons and shackles that have been approved by the trial court department.

(b) A juvenile shall not be placed in restraints during court proceedings and any restraints shall be removed prior to the appearance of a juvenile before the court at any stage of any proceeding unless the justice presiding in the courtroom issues an order and makes specific findings on the record that: (i) restraints are necessary because there is reason to believe that a juvenile presents an immediate and credible risk of escape that cannot be curtailed by other means; (ii) a juvenile poses a threat to the juvenile’s own safety or to the safety of others; or (iii) restraints are reasonably necessary to maintain order in the courtroom.

(d) The court officer charged with custody of a juvenile shall report any security concerns to the presiding justice. On the issue of courtroom or courthouse security, the presiding justice may receive information from the court officer charged with custody of a juvenile, a probation officer or any source determined by the court to be credible.

The authority to use restraints shall reside solely within the discretion of the presiding justice at the time that a juvenile appears before the court. A juvenile court justice shall not impose a blanket policy to maintain restraints on all juveniles or a specific category of juveniles who appear before the court.

SECTION 112. Chapter 120 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 10 the following section:-

Section 10B. No person under 18 years of age and committed to the department of youth services shall be placed in involuntary room confinement as a consequence for noncompliance, punishment or harassment or in retaliation for any conduct.

SECTION 113. Section 15 of chapter 120 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 3 and 4, and inserting in place thereof the following figure:- 19.

SECTION 114. Said section 15 of said chapter 120 is hereby further amended by striking out the figure “19”, in lines 3 and 4, and inserting in place thereof the following figure:- 20.

SECTION 115. Said section 15 of said chapter 120 is hereby further amended by striking out the figure “20”, in lines 3 and 4, and inserting in place thereof the following figure:- 21.

SECTION 116. Section 21 of said chapter 120 is hereby amended by striking out the figure “18”, in line 17, and inserting in place thereof the following figure:- 19

SECTION 117. Said section 21 of said chapter 120 is hereby further amended by striking out the figure “19”, in line 17, and inserting in place thereof the following figure:- 20.

SECTION 118. Said section 21 of said chapter 120 is hereby further amended by striking out the figure “20”, in line 17, and inserting in place thereof the following figure:- 21.

SECTION 119. Section 133A of chapter 127 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

If a prisoner is serving a life sentence for a conviction of murder as defined in section 1 of chapter 265 which was committed before the prisoner’s eighteenth birthday, the prisoner shall have the right to have appointed counsel at the parole hearing if the prisoner is deemed to be indigent and shall have the right to funds for experts as determined by the standards in chapter 211D.

SECTION 120. The last paragraph of said section 133A of said chapter 127, inserted by section 11, is hereby amended by striking out the word “eighteenth” and inserting in place thereof the following word:- nineteenth.

SECTION 121. Said last paragraph of said section 133A of said chapter 12 is hereby amended by striking out the word “nineteenth”, inserted by section XX, and inserting in place thereof the following word:- twentieth.

SECTION 122. Said last paragraph of said section 133A of said chapter 12 is hereby amended by striking out the word “twentieth”, inserted by section XXX, and inserting in place thereof the following word:- twenty-first.

SECTION 123. Said section 133A of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out the figure “18”, in line 5, and inserting in place thereof the following figure:- 19.

SECTION 124. Said section 133A of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out the figure “19”, in line 5, and inserting in place thereof the following figure:- 20.

SECTION 125. Said section 133A of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out the figure “20”, in line 5, and inserting place thereof the following figure:- 21.

SECTION 126. Section 133C of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out the figure “19”, in line 7, and inserting in place thereof the following figure:- 19.

SECTION 127. Section 133C of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out the figure “19”, in line 7, and inserting in place thereof the following figure:- 20.

SECTION 128. Section 133C of said chapter 127 of the General Laws, as so appearing, is hereby further amended by striking out the figure “20”, in line 7, and inserting in place thereof the following figure:- 21.

SECTION 129. Section 20 of chapter 233 of the General Laws, as so appearing, is hereby amended by striking out the clause Fourth and inserting in place thereof the following clause:-

Fourth, Except in a proceeding before an inquest, grand jury, trial of an indictment or complaint or any other criminal, delinquency or youthful offender proceeding where the victim in the proceeding is not a family member and does not reside in the family household, neither the parent nor minor child shall testify against the other; provided, however, that for the purpose of this clause, "parent" shall mean the biological or adoptive parent, stepparent, foster parent, legal guardian or any other person who has the right to act in loco parentis for the child; and provided, further, that in cases where the victim is a family member and resides in the family household, the parent shall not testify as to any communication with the child that was for the purpose of seeking advice regarding the child's legal rights.

SECTION 130. Section 13 of chapter 250 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure "18", in line 3, and inserting in place thereof the following figure:- 19.

SECTION 131. Said section 13 chapter 250 is hereby further amended by striking out the figure "19", in line 13, and inserting in place thereof the following figure:- 20.

SECTION 132. Said section 13 of said chapter 250 is hereby further amended by striking out the figure "20", in line 3, and inserting in place thereof the figure:- 21.

SECTION 133. Section 2 of chapter 258E of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure "18", in line 7, and inserting in place thereof the following figure:- 19.

SECTION 134. Said section 2 of said chapter 258E is hereby further amended by striking out the figure “19”, in line 7, and inserting in place thereof the figure:- 20.

SECTION 135. Said section 2 of said chapter 258E is hereby further amended by striking out the figure “20”, in line 7, and inserting in place thereof the figure:- 21.

SECTION 136. Subsection (b) of section 2 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the word “eighteenth”, in line 7, and inserting in place thereof the following word:- nineteenth.

SECTION 137. Subsection (b) of section 2 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the word “nineteenth”, in line 7, and inserting in place thereof the following word:- twentieth.

SECTION 138. Subsection (b) of section 2 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the word “twentieth”, in line 7, and inserting in place thereof the following word:- twenty-first.

SECTION 139. Section 15A of chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 24 and 46, each time it appears, and inserting in place thereof the following figure:- 19.

SECTION 140. Said section 15A of said chapter 265 is hereby further amended by striking out the figure “19”, in lines 24 and 46, each time it appears, and inserting in place thereof the following figure:- 20.

SECTION 141. Said section 15A of said chapter 265 is hereby further amended by striking out the figure “20”, in lines 24 and 46, and inserting in place thereof the following figure:- 21.

SECTION 142. Section 15B of chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 24, and inserting in place thereof the following figure:-19.

SECTION 143. Said section 15B of said chapter 265 is hereby further amended by striking out the figure “19”, in line 24, and inserting in place thereof the following figure:- 20.

SECTION 144. Said section 15B of said chapter 265 is hereby further amended by striking out the figure “20”, in line 24, and inserting in place thereof the following figure:- 21.

SECTION 145. Section 18 of chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 26, and inserting in place thereof the following figure:- 19.

SECTION 146. Said section 18 of said chapter 265 is hereby further amended by striking out the figure “19”, in line 26, and inserting in place thereof the following figure:- 20.

SECTION 147. Said section 18 of said chapter 265 is hereby further amended by striking out the figure “20”, in line 26, and inserting in place thereof the following figure:- 21.

SECTION 148. Section 18B of chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure“18”, in line 43, and inserting in place thereof the following figure:- 19.

SECTION 149. Said section 18B of said chapter 265 is hereby further amended by striking out the figure “19”, in line 43,and inserting in place thereof the following figure:- 20.

SECTION 150. Said section 18B of said chapter 265 is hereby further amended by striking out the figure “20”, in line 43, and inserting in place thereof the following figure:- 21.

SECTION 151. Section 19 of chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 23, and inserting in place thereof the following figure:- 19.

SECTION 152. Said section 19 of said chapter 265 is hereby further amended by striking out the figure “19”, in line 23, and inserting in place thereof the following figure:- 20.

SECTION 153. Said section 19 of said chapter 265 is hereby further amended by striking out the figure “20”, in line 23, and inserting in place thereof the following figure:- 21.

SECTION 154. Section 43 of chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 56 and 89, each time it appears, and inserting in place thereof the following figure:- 19.

SECTION 155. Said section 43 of said chapter 265 is hereby further amended by striking out the figure “19”, in lines 56 and 89, each time it appears, and inserting in place thereof the following figure:- 20.

SECTION 156. Said section 43 of said chapter 265 is hereby further amended by striking out the figure “20”, lines 56 and 89, each time it appears and inserting in place thereof the following figure:- 21

SECTION 157. Chapter 265 of the General Laws, as so appearing, is hereby amended by striking out section 13B and inserting in place thereof the following section:-

Section 13B. Whoever commits an indecent assault and battery on a minor under the age of 14 shall be punished by imprisonment in the state prison for not more than 10 years, or by imprisonment in the house of correction for not more than 2½ years. A prosecution commenced under this section shall neither be continued without a finding nor placed on file. In a prosecution under this section, a minor under the age of 15 years shall be deemed incapable of consenting to any conduct of the defendant for which such defendant is being prosecuted unless: (i) the defendant is no more than 3 years older than the minor; or (ii) the defendant is no more than 2 years older than the minor if the minor is under 12 years of age.

Notwithstanding section 54 of Chapter 119 or any other general or special law to the contrary, in a prosecution under this section in which the defendant is under 18 years of age at the time of the offense, the commonwealth shall only proceed by complaint in juvenile court or in a juvenile session of a district court.

SECTION 158. Said chapter 265, as so appearing, is hereby amended by striking out section 23 and inserting in place thereof the following section:-

Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor under 16 years of age and: (i) the defendant is more than 4 years older than the minor; (ii) the minor is under 15 years of age and the defendant is more than 3 years older than the minor; or (iii) the minor is under 12 years of age and the defendant is more than 2 years older than the minor, shall be punished by imprisonment in the state prison for life or for any term of years, or, except as otherwise provided, for any term in a jail or house of correction, provided, however,

that a prosecution commenced under this section shall not be placed on file or continued without a finding.

Notwithstanding section 54 of Chapter 119 or any other general or special law to the contrary, in a prosecution under this section in which the defendant is under 18 years of age at the time of the offense, the commonwealth shall only proceed by complaint in juvenile court or in a juvenile session of a district court.

SECTION 159. Section 10 of chapter 269 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 53, 55, 223 and 255, each time it appears, inserting in place thereof the following figure:- 19.

SECTION 160. Said section 10 of said chapter 269 is hereby further amended by striking out the figure“19”, in lines 53, 55, 223 and 255, each time it appears, and inserting in place thereof the following figure:- 20.

SECTION 161. Said section 10 of said chapter 269 is hereby further amended by striking out the figure “20”, in lines 53, 55, 223 and 255, each time it appears, and inserting in place thereof the following figure:- 21.

SECTION 162. Section 10E of chapter 269 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 40 and 42, each time it appears, and inserting in place thereof the following figure:- 19.

SECTION 163. Said section 10E of said chapter 269 is hereby further amended by striking out the figure “19”, in lines 40 and 42, and inserting in place thereof the following figure:- 20.

SECTION 164. Said section 10E of said chapter 269 is hereby further amended by striking out the figure “20”, in lines 40 and 42, and inserting in place thereof the following figure:- 21.

SECTION 165. Section 10F of chapter 269 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 4, 28 and 32, each time it appears, and inserting in place thereof the following figure:- 19.

SECTION 166. Section 10F of chapter 269 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure“17”, in line 50, and inserting in place thereof the following figure:- 19.

SECTION 167. Said section 10F of said chapter 269 is hereby further amended by striking out the number “19”, in lines 4, 28, 32 and 50, each time it appears,and inserting in place thereof the following figure:- 20.

SECTION 168. Said section 10F of said chapter 269 is hereby further amended by striking out the figure “20”, in lines 4, 28, 32 and 50, each time it appears, and inserting in place thereof the following figure:- 21.

SECTION 169. Section 10G of chapter 269 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 34, and inserting in place thereof the following figure:- 19.

SECTION 170. Said section 10G of said chapter 269 is hereby further amended by striking out the figure “19”, in line 34, and inserting in place thereof the following figure:- 20.

SECTION 171. Said section 10G of said chapter 269 is hereby further amended by striking out the figure “20”, in line 34, and inserting in place thereof the following figure:- 21.

SECTION 172. Section 4 of chapter 272 of the General Laws, as appearing in the 2014 Official Edition, is hereby repealed.

SECTION 173. Chapter 272 of the General Laws is amended by striking out section 40, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:

Section 40. Disturbance of assemblies.

Whoever willfully interrupts or disturbs an assembly of people met for a lawful purpose shall be punished by imprisonment for not more than one month or by a fine of not more than fifty dollars; provided, however, that an elementary or secondary school student shall not be charged, adjudicated, or convicted for alleged violation of this provision due to conduct within school buildings or grounds or in the course of school-related events. Whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.

SECTION 174. Chapter 272 is hereby further amended by striking out subsection (b) of section 53, as appearing in the 2014 Official Edition, and inserting in place thereof the following subsection:

(b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished by a fine of not more than $150. On a second or subsequent offense, such person shall be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a

fine of not more than $200, or by both such fine and imprisonment, provided, however, that an elementary or secondary school student shall not be charged, adjudicated, or convicted for alleged violation of this provision due to conduct within school buildings or grounds or in the course of school-related events.

SECTION 175. Section 53 of chapter 272 of the General Laws, as so appearing, is hereby amended by inserting after the figure “$150”, in line 10, the following words:- “; provided, however, that notwithstanding any general or special law to the contrary, no person who violates this subsection shall have a finding of delinquency entered against that person for a first offense,”

SECTION 176. Section 87 of chapter 276 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 7 and 14, each time it appears, and inserting in place thereof the following figure:- 19.

SECTION 177. Said section 87 of said chapter 276 is hereby further amended by striking out the figure “19”, in lines 7 and 14, each time it appears, and inserting in place thereof the following figure:- 20.

SECTION 178. Said section 87 of said chapter 276 is hereby further amended by striking out the figure “20”, in lines 7 and 14, each time it appears, and inserting in place thereof the following figure:- 21.

SECTION 179. Section 89A of chapter 276 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 3, and inserting in place thereof the following figure:- 19.

SECTION 180. Said section 89A of said chapter 276 is hereby further amended by striking out the figure “19”, in line 3, and inserting in place thereof the following figure:- 20.

SECTION 181. Said section 89A of said chapter 276 is hereby further amended by striking out the figure “20”, in line 3, and inserting in place thereof the following figure:- 21.

SECTION 182. Chapter 276 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out section 100B and inserting in place thereof the following section:-

Section 100B. (a) Any person having a record of entries of a court appearance in any proceeding pursuant to sections 52 to 62 of chapter 119, inclusive, in the commonwealth on file in the office of the commissioner of probation may, on a form furnished by the commissioner, signed under the penalties of perjury, request that the commissioner seal the file. The commissioner shall comply with such request provided that: (i) any court appearance or disposition including court supervision, probation, commitment or parole, the records for which are to be sealed, terminated not less than 1 year prior to said request; (2) said person has not been adjudicated delinquent or found guilty of any criminal offense within the commonwealth in the 1 year preceding such request, except motor vehicle offenses in which the penalty does not exceed a fine of $550 nor been imprisoned under sentence or committed as a delinquent within the commonwealth within the preceding 1 year; and (iii) said form includes a statement by the petitioner that they have not been adjudicated delinquent or found guilty of any criminal offense in any other state, territory or district of the United States or in a court of federal jurisdiction, except such motor vehicle offenses in which the penalty does not exceed a fine of $550 and has

not been imprisoned under sentence or committed as a delinquent in any state or county within the preceding 1 year.

(b) At the time of dismissal of a case, nolle prosequi, non-adjudication or when imposing any sentence, period of commitment or probation or other disposition pursuant to section 58 of chapter 119, the court shall inform all juveniles in writing of their right to seek sealing under this section and that if the case ended in a dismissal, nolle prosequi, or without an adjudication, the court shall order sealing of the record at the time of the disposition unless the person charged with the offense objects. The court shall also notify said juvenile that the record shall be expunged 3 years after the record is sealed unless the person charged with the offense objects.

(c) Upon the sealing of records of delinquency and youthful offender appearances and dispositions by the commissioner, the commissioner shall notify the clerks and the probation officers of the courts in which the adjudications or dispositions have occurred, or other entries have been made, the police departments from where the charges originated and the department of youth services of such sealing, and said clerks, probation officers, police departments and the department of youth services shall seal the records of the same proceedings. Sealing of records under this section shall not preclude expungement of police records. The commissioner of probation also shall notify the state police of such sealing and the state police shall notify the Federal Bureau of Investigation of the sealing order and request that the FBI note that the record was sealed in its records if it has a record of the case.

Such sealed records of a person shall not operate to disqualify a person in any future examination, appointment or application for public service under the government of the commonwealth or of any political subdivision thereof; nor shall such sealed records be

admissible in evidence or used in any way in any court proceedings or hearings before any boards of commissioners, except in imposing sentence for subsequent offenses in juvenile or criminal proceedings.

Notwithstanding any other general or special law to the contrary, the commissioner shall report such sealed juvenile record to inquiring police and court agencies only as "sealed juvenile record over 1year old" and to other authorized persons who may inquire as "no record". The information contained in a sealed juvenile record shall be made available to a judge or probation officer who affirms that such person, whose record has been sealed, has been adjudicated a delinquent or has pleaded guilty or has been found guilty of and is awaiting sentence for a crime committed subsequent to sealing of such record. Said information shall be used only for the purpose of consideration in imposing sentence.

SECTION 183. Section 100D of chapter 276 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “17”, in line 8, and inserting in place thereof the following figure:- 19.

SECTION 184. Said section 100D of said chapter 276 is hereby further amended by striking out the figure “19”, in line 8, and inserting in place thereof the following figure:- 20.

SECTION 185. Said section 100D of said chapter 276 is hereby further amended by striking out the figure “20”, in line 8, and inserting in place thereof the following figure:- 21.

SECTION 186. Said chapter 276 of the General Laws, as so appearing, is hereby further amended by inserting after section 100D the following section:-

Section 100E. (a) For the purpose of this section, the words expunge, expunged and expungement shall mean permanent erasure or destruction of information so that the information is no longer maintained in any file or record in an electronic, paper or other physical form.

(b) Notwithstanding section 100B or any other general or special law to the contrary, in a form furnished by the commissioner of probation, a person with a record of court appearances and dispositions in any proceeding pursuant to section 52 to 62 of chapter 119, inclusive, shall have the records of such a proceeding expunged upon the filing of a petition to expunge records with the commissioner of probation provided that: (i) for misdemeanor offenses, any juvenile court appearance or disposition including court supervision, probation, commitment or parole, for which the records are to be expunged terminated not less than 3 years prior to said request; for non-misdemeanor offenses, any juvenile court appearance or disposition including court supervision, probation, commitment or parole, for which the records are to be expunged terminated not less than 3 years prior to said request and there is good cause to expunge the record, which shall include a determination of whether there is a foreseeable disadvantage related to employment, housing or access to other opportunities if the records are not expunged; (ii) said person had no juvenile adjudication, was not found guilty of any criminal offense within the commonwealth in the 3 years preceding such request, except motor vehicle offenses in which the penalty does not exceed a fine of $550 and was not imprisoned under sentence or committed to the Department of Youth Services within the commonwealth within the preceding 3 years; and (iii) said form includes a statement by the petitioner that during the preceding 3 years, the petitioner had no juvenile adjudication, was not found guilty of a criminal offense in any other state, territory or district of the United States or in a court of federal jurisdiction, except such motor vehicle offenses in which the penalty does not exceed a fine of $550, and was not

imprisoned under sentence or committed as a juvenile in any state or county within the preceding 3 years.

(c) The court shall permit the expungement of a record if a case ended in a dismissal, nolle prosequi or without an adjudication because: (i) the person charged with an offense was misidentified or mistakenly charged with an offense due to an error by law enforcement or court employees, (ii) the person arrested or accused of committing the offense provided a false name; or (iii) fraud was perpetrated on the court related to the offense.

(d) The court shall, at the time of imposing any sentence or disposition or, where applicable, period of commitment or probation pursuant to section 58 of chapter 119, inform all eligible individuals of their right to seek expungement under this section

(e) For any petition to expunge granted under this section, the clerks and probation officers of the courts in which the proceedings occurred or were initiated shall expunge all the records of the proceedings in their files in their paper, electronic and any other form.

(f) Notwithstanding any other general or special law to the contrary, in the case of an expunged record, the commissioner of probation and the clerk of courts in a district court, superior court, juvenile court and the Boston municipal court, shall report that no record exists in response to inquiries.

An applicant for employment, housing or an occupational license with an expunged record may answer no record to any inquiry regarding prior arrests, adjudications or other dispositions that were contained in an expunged record.

The expunged record shall not operate to disqualify any person in an examination, appointment or application for public employment in the service of the commonwealth or a subdivision thereof and no such appearances or dispositions shall be used against a person in any way in any court proceeding or hearing before a court, board or commission to which that person is a party to the proceeding.

Notwithstanding any general or special law to the contrary, upon the expungement of records within the commissioner's possession, the commissioner shall notify the department of youth services of the expungement and the department shall expunge such records from the department's files. Any records subject to an expungement order shall be expunged in their paper, electronic and any other physical form. The commissioner of probation shall also notify the State Police of such expungement and the State Police shall notify the Federal Bureau of Investigation of the expungement order and request that the FBI expunge its fingerprint and other records related to the case.

SECTION 187. Section 2 of chapter 276A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure "18", in lines 6 and 10, each time it appears, and inserting in place thereof the following number:- 19.

SECTION 188. Said section 2 of said chapter 276A is hereby further amended by striking out the figure "19", in lines 6 and 10, each time it appears, and inserting in place thereof the following figure:- 20.

SECTION 189. Said section 2 of said chapter 276A is hereby further amended by striking out the figure "20", in lines 6 and 10, each time it appears, and inserting in place thereof the following figure:- 21.

SECTION 190. Section 70C of chapter 277 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 8, the words “, chapter 119”.

SECTION 191. Section 6B of chapter 280 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 3, and inserting in place thereof the following figure:- 19.

SECTION 192. Said section 6B of said chapter 280 is hereby further amended by striking out the figure “19”, in line 3, and inserting in place thereof the following figure:- 20

SECTION 193. Said section 6B of said chapter 280 is hereby further amended by striking out the figure “20”, in line 3, and inserting in place thereof the following figure:- 21.

SECTION 194. There shall be a juvenile justice data task force to make recommendations on coordinating and modernizing the juvenile justice data systems and reports that are developed and maintained by state agencies and the courts. The task force shall consist of the following members or their designees: the chief justice of the trial court; the chief justice of the juvenile court; the secretary of health and human services; the commissioner of probation; the commissioner of youth services; the commissioner of children and families; the commissioner of mental health; the commissioner of transitional assistance; the executive director of Citizens for Juvenile Justice, Inc.; the president of the Massachusetts Society for the Prevention of Cruelty to Children; the executive director of the Children’s League of Massachusetts; the executive director to the Massachusetts District Attorneys Association; the chief counsel of the committee for public counsel services; the Child Advocate; the chair of the juvenile justice advisory committee; a representative of the Massachusetts Chiefs of Police Association; and 2 members to be appointed by the governor, 1 of whom shall have experience

or expertise related to the juvenile justice system or the design and implementation of juvenile justice data systems or both and 1 of whom shall be an independent expert in state administrative data systems.

The task force shall analyze the capacities and limitations of the data systems and networks used to collect and report state and local juvenile caseload and outcome data. The task force shall conduct at least 1 public hearing. The analysis shall include all of the following:

(i) a review of the relevant data systems, studies and models from the commonwealth and other states;

(ii) identification of changes or upgrades to current data collection processes to remove inefficiencies, track and monitor state agency and court-involved juveniles and facilitate the coordination of information sharing between relevant agencies and the courts;

(iii) identify racial and ethnic disparities apparent within the juvenile justice system and ways to reduce such disparities; and

(iv) any other matters which the task force determines may improve the collection of, and interagency coordination of, juvenile justice data.

The task force shall file a report on the options for improving interagency coordination, modernization and upgrading of state and local juvenile justice data and information systems. The report shall include, but not be limited to: (i) recommended additional collection and reporting responsibilities for agencies, departments or providers; (ii) recommendations for the creation of a web-based statewide clearinghouse or information center that would make relevant juvenile justice information on operations, caseloads, dispositions and outcomes available in a

user-friendly, query-based format for stakeholders and members of the public, including a feasibility assessment of implementing such a system; and (iii) a plan for improving the current juvenile justice reporting requirements, including streamlining and consolidating current requirements without sacrificing meaningful data collection and including a detailed analysis of the information technology and other resources necessary to implement improved data collection. The report shall be filed with the clerks of the house and senate not later than January 1, 2018 and the clerks shall forward the same to the senate and house chairs of the joint committee on the judiciary and the senate and house chairs of the joint committee on children, families and persons with disabilities.

SECTION 195. Notwithstanding any general or special law to the contrary, there shall be a rebuttable presumption that youth status is a distinct mitigating factor. When the commonwealth has failed to rebut the presumption by clear and convincing evidence, issues of intent, knowledge, premeditation and purpose or the reasonableness of the defendant's belief that the defendant is in imminent threat of death or serious bodily injury, or the reasonableness of a defendant's perception of the amount of force necessary to combat the perceived threat shall be considered in light of a young adult's diminished capacities.

In cases where youth status is a mitigating factor, the court, at the time of sentencing shall apply a modified sentence discount, not to exceed 1/3 of the adult prescribed penalty or provide early release options based on the completion of educational, vocational, substance abuse or other rehabilitative programs.

The department of corrections and the houses of correction shall provide workforce development, educational and substance abuse treatment programming for all individuals under

the age of 26 at the time of the offense and accelerated good time credits for completion of such programing.

Youth status shall be based on the scientific literature on brain maturation, which documents that young adults under age 26 are developmentally more like juveniles than they are like fully mature adults and are therefore less culpable and more adaptable to change.

SECTION 196. Notwithstanding any general or special law to the contrary, juvenile records, including, but not limited to, juvenile conviction data, juvenile arrest data, or juvenile sealed record data, shall not be shared with the Registry of Motor Vehicles by the court, probation, district attorney, law enforcement agencies, the department of criminal justice information services or any other agency or entity that lawfully possesses such records.

SECTION 197. Sections 1, 4, 7, 13, 16, 19, 22, 26, 29, 33, 37, 40, 41, 42, 43, 44, 45, 46, 47, 50, 53, 56, 59, 62, 65, 69, 73, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 108, 113, 116, 120, 123, 126, 130, 133, 136, 139, 142, 145, 148, 151, 154, 159, 162, 165, 167, 169, 176, 179, 183, 187 and 191 shall take effect on July 1, 2018.

SECTION 198. Sections 1, 4, 7, 13, 16, 19, 22, 26, 29, 33, 37, 40, 41, 42, 43, 44, 45, 46, 47, 50, 53, 56, 59, 62, 65, 69, 73, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 108, 113, 116, 120, 123, 126, 130, 133, 136, 139, 142, 145, 148, 151, 154, 159, 162, 165, 167, 169, 176, 179, 183, 187 and 191 are hereby repealed.

SECTION 199. Section 198 shall take effect on July 1, 2020.

SECTION 200. Sections 2, 5, 8, 14, 17, 20, 23, 27, 30, 34, 38, 48, 51, 54, 57, 60, 63, 66, 70, 74, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 109, 114, 117, 121, 124, 127, 131, 134, 137, 140,

143, 146, 149, 152, 155, 160, 163, 166, 170, 177, 180, 184, 188 and 192 shall take effect on July 1, 2020.

SECTION 201. Sections 2, 5, 8, 14, 17, 20, 23, 27, 30, 34, 38, 48, 51, 54, 57, 60, 63, 66, 70, 74, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 109, 114, 117, 121, 124, 127, 131, 134, 137, 140, 143, 146, 149, 152, 155, 160, 163, 166, 170, 177, 180, 184, 188 and 192are hereby repealed.

SECTION 202. Section 201 shall take effect on July 1, 2022.

SECTION 203. Sections 3, 6, 9, 15, 18, 21, 24, 28, 31, 35, 39, 49, 52, 55, 58, 61, 64, 67, 71, , 75, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 110, 115, 118, 122, 125, 128, 132, 135, 138, 141, 144, 147, 150, 153, 156, 161, 164, 168, 171, 178, 181, 185, 189 and 193 shall take effect on July 1, 2022.