

HOUSE No. 3250

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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 expunged records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/18/2019</i>
<i>Michael Morrissey</i>	<i>Office of the Norfolk District Attorney, 45 Shawmut Road Canton, MA 02021</i>	<i>1/18/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/28/2019</i>

HOUSE No. 3250

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3250) of Tackey Chan, Michael Morrissey and Carolyn C. Dykema relative to certain expunged records. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to expunged records.

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. Subsection (a) of section 100F of chapter 276 of the General Laws, as
2 appearing in section 195 of chapter 69 of the acts of 2018, is hereby amended by striking the first
3 sentence and inserting in place thereof the following sentence:-

4 A petitioner who has a record as an adjudicated delinquent or adjudicated youthful
5 offender for one or more offenses which are based on the same criminal conduct in a single
6 episode and were charged in the same complaint or youthful offender indictment may, on a form
7 furnished by the commissioner and signed under the penalties of perjury, petition that the
8 commissioner expunge the record.

9 SECTION 2. Subsection (a) of section 100G of said chapter 276, as so appearing, is
10 hereby amended by striking the first sentence and inserting in place thereof the following
11 sentence:-

12 A petitioner who has a record of conviction for one or more offenses which are based on
13 the same criminal conduct in a single episode and were charged in the same criminal complaint
14 or indictment may, on a form furnished by the commissioner and signed under the penalties of
15 perjury, petition that the commissioner expunge the record.

16 SECTION 3. Subsection (a) of section 100H of said chapter 276, as so appearing, is
17 hereby amended by striking the first sentence and inserting in place thereof the following
18 sentence:-

19 A petitioner who has a record that does not include an adjudication, as a delinquent an
20 adjudication as a youthful offender, or a conviction for one or more offenses which are based on
21 the same criminal conduct in a single episode and were charged in the same complaint, youthful
22 offender indictment, criminal complaint or indictment may, on a form furnished by the
23 commissioner signed under the penalties of perjury, petition that the commissioner expunge the
24 record.

25 SECTION 4. Subsection (a) of Section 100I of said chapter 276, as so appearing, is
26 hereby amended by striking out subsections (1) to (5) in their entirety and inserting in place
27 thereof the following subsections:-

28 (1) the offense or offenses resulting in the record that is the subject of the petition is not a
29 criminal offense included in section 100J;

30 (2) the offense or offenses that are the subject of the petition to expunge the record
31 occurred before the petitioner's twenty-first birthday;

32 (3) any offense that is part of same complaint, youthful offender indictment, criminal
33 complaint, or indictment that is the subject of the petition to expunge the record, including any
34 period of incarceration, custody or probation, occurred not less than 7 years before the date on
35 which the petition was filed if the record that is the subject of the petition includes a felony
36 offense, and not less than 3 years before the date on which the petition was filed if the record that
37 is the subject of the petition includes only misdemeanor offenses.

38 (4) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50
39 and the offense or offenses that are the subject of the petition to expunge, the petitioner does not
40 have any other criminal court appearances, juvenile court appearances or dispositions on file
41 with the commissioner;

42 (5) other than motor vehicle offenses in which the penalty does not exceed a fine of \$50
43 and the offense or offenses that are the subject of the petition to expunge, the petitioner does not
44 have any other criminal court appearances, juvenile court appearances or dispositions on file in
45 any other state, United States possession or in a court of federal jurisdiction; and