

HOUSE No. 3771

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 criminal offender record information checks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/17/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>5/2/2019</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>5/3/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>5/1/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>5/1/2019</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>5/2/2019</i>

HOUSE No. 3771

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 3771) of Louis L. Kafka and others relative to criminal offender record information checks. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to criminal offender record information checks.

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 172 of chapter 6 of the General Laws, as most recently amended by section 1 of
2 chapter 202 of the acts of 2018, is hereby further amended by adding the following subsection:-

3 (p) (1) Notwithstanding any provision of this section or any other general or special law
4 to the contrary, a person may, upon application on a form to be established by the department,
5 request that the department return a letter certifying that the person has no available criminal
6 offender record information. Within 5 business days of receiving an application pursuant to this
7 subsection, the department shall search all available criminal offender record information,
8 including conviction data, arrest data, sealed record data and juvenile data, pertaining to that
9 person. If the search confirms that there is no available criminal offender record information
10 pertaining to that person, the department shall, within 5 business days, send a dated letter to the
11 person certifying that there is no available criminal offender record information pertaining to that
12 person.

13 (2) Notwithstanding any provision of this section or any other general or special law to
14 the contrary, in response to a requestor for a signed acknowledgement form pursuant to
15 subsection (c), a subject may provide the requestor with a copy of a certification letter sent by the
16 department pursuant to paragraph (1). If the subject provides the requestor with a valid
17 certification letter dated by the department within 1 year before provision of the letter to the
18 requestor, the requestor shall be considered to have: (i) obtained all available criminal offender
19 record information pertaining to that person; and (ii) satisfied any requirement of this chapter or
20 any other general or special law to obtain criminal offender record information for that person.