

SENATE No. 1037

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 providing easier and greater access to record sealing.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------|---|------------------|
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>4/1/2021</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>6/16/2021</i> |
| <i>John J. Cronin</i> | <i>Worcester and Middlesex</i> | <i>6/16/2021</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>6/16/2021</i> |
| <i>Susan L. Moran</i> | <i>Plymouth and Barnstable</i> | <i>6/17/2021</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | <i>6/17/2021</i> |
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> | <i>6/21/2021</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>6/25/2021</i> |
| <i>Paul R. Feeney</i> | <i>Bristol and Norfolk</i> | <i>6/28/2021</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | <i>7/16/2021</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | <i>7/16/2021</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>9/8/2021</i> |
| <i>Lydia Edwards</i> | <i>First Suffolk and Middlesex</i> | <i>6/13/2022</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>6/22/2022</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> | <i>6/23/2022</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | <i>6/24/2022</i> |

SENATE No. 1037

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1037) of Cindy F. Friedman and Joanne M. Comerford for legislation to provide easier and greater access to record sealing. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act providing easier and greater access to record sealing.

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 100A of chapter 276 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the words “comply with the request”, in
3 lines 5 and 6, the following words:- , within 90 days of receiving such request,

4 SECTION 2. Said section 100A of said chapter 276, as so appearing, is hereby amended
5 by inserting after the third sentence the following sentence:-

6 Notwithstanding this section or any other general or special law to the contrary, the
7 commissioner shall seal records of criminal court appearances and dispositions in the
8 commonwealth on file with the commissioner that are eligible for sealing under this section
9 within 90 days of the time that they become eligible for sealing after the applicable waiting
10 period if the records are not already sealed.

11 SECTION 3. Section 100B of said chapter 276, as so appearing, is hereby amended by
12 inserting after the words “comply with such request”, in lines 5 and 6, the following words:- ,
13 within 90 days of receiving such request,

14 SECTION 4. Said section 100B of said chapter 276, as so appearing, is hereby amended
15 by inserting after the second sentence the following sentence:-

16 Notwithstanding this section or any general or special law to the contrary, the
17 commissioner shall seal delinquency court appearances and dispositions in the commonwealth
18 on file with the commissioner that are eligible for sealing under this section within 90 days of the
19 time that they become eligible for sealing after the applicable waiting period if the records are
20 not already sealed.

21 SECTION 5. Section 100C of said chapter 276, as so appearing, is hereby amended by
22 inserting after the first sentence the following sentence:-

23 The offense or offenses shall be sealed forthwith without the defendant having to file a
24 petition or other request with the court.

25 SECTION 6. Said chapter 276, as so appearing, is hereby further amended by striking out
26 section 100Q and inserting in place thereof the following section:-

27 Section 100Q. Unless otherwise provided by law, no person shall make records sealed
28 pursuant to sections 100A, 100B, or 100C or expunged pursuant to sections 100F, 100G, 100H,
29 or 100K available for inspection in any form by any person.

30 SECTION 7. Notwithstanding any general law or special law to the contrary, as soon as
31 practicable, and not later than 6 months after the effective date of this act, the commissioner of

32 probation shall seal records of: (i) criminal court appearances and dispositions in the
33 commonwealth on file with the commissioner that are eligible for sealing under section 100A of
34 chapter 276 of the General Laws; and (ii) delinquency court appearances and dispositions in the
35 commonwealth on file with the commissioner that are eligible for sealing under section 100B of
36 chapter 276 of the General Laws.

37 SECTION 8. This act shall take effect upon its passage.