

SENATE No. 2837

The Commonwealth of Massachusetts

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

SENATE, April 19, 2022.

The committee on the Judiciary, to whom was referred the petitions (accompanied by bill, Senate, No. 980) of Cynthia Stone Creem, Jack Patrick Lewis, Kay Khan, Christopher Hendricks and other members of the General Court for legislation to expunge juvenile and young adult records; and (accompanied by bill, House, No. 1531) of Marjorie C. Decker, Kay Khan and others relative to the expungement of juvenile and young adult records, reports the accompanying bill (Senate, No. 2837).

For the committee,
James B. Eldridge

SENATE No. 2837

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

An Act relative to expungement of juvenile and young adult 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. The first paragraph of section 60A of chapter 119 of the General Laws, as
2 appearing in the 2020 Official Edition, is hereby amended by striking out the first sentence.

3 SECTION 2. Said first paragraph of said section 60A of said chapter 119, as so
4 appearing, is hereby further amended by striking out, in line 4, the word “other”.

5 SECTION 3. Said first paragraph of said section 60A of said chapter 119, as so
6 appearing, is hereby amended by inserting, in line 5, after the word “inclusive” the following
7 words:- and youthful offender proceedings.

8 SECTION 4. Section 100E of chapter 276 of the General Laws, as so appearing, is
9 hereby amended by striking out, in line 74, the word “an” and inserting in place thereof the
10 following word:- any.

11 SECTION 5. The first sentence of subsection (a) of section 100F of said chapter 276, as
12 appearing in section 95 of chapter 253 of the acts of 2020, is hereby amended by striking out the
13 following words:- not more than 2.

14 SECTION 6. The first sentence of subsection (a) of section 100H of said chapter 276, as
15 appearing in section 97 of chapter 253 of the acts of 2020, is hereby amended by striking out the
16 words “who has not more than 2 records that do not include an adjudication as a delinquent, an
17 adjudication as a youthful offender or a conviction” and inserting in place thereof the following
18 words:- who has any criminal or juvenile record where the disposition did not include an
19 adjudication or conviction.

20 SECTION 7. The third paragraph of subsection (a) of section 100I of said chapter 276, as
21 appearing in section 98 of chapter 253 of the acts of 2020, is hereby amended by striking the
22 third paragraph and inserting in place thereof the following paragraph:-

23 (3) all offenses that are the subject of the petition to expunge the record or records,
24 including any period of incarceration, custody or probation, occurred not less than 7 years before
25 the date on which the petition was filed if the record or records that are the subject of the petition
26 include a felony unless the offense was an offense tried in juvenile court, and not less than 3
27 years before the date on which the petition was filed if the record or records that are the subject
28 of the petition only include a misdemeanor or misdemeanors or offenses tried in juvenile court;

29 SECTION 8. Section 100J of said chapter 276, as appearing in the 2020 Official Edition,
30 is hereby amended by striking out section 100J and inserting in place thereof the following
31 section:-

32 Section 100J. None of the following offenses are eligible for expungement under section
33 100F, 100G, or 100H:

34 (1) conviction for any offense resulting in death or serious bodily injury as defined in
35 section 13K of chapter 265;

36 (2) any sex offense, sex offense involving a child, or sexually violent offense as defined
37 in section 178C of chapter 6 or any sexual offense as defined in section 1 of chapter 123A; or

38 (3) any offense in violation of an order issued pursuant to section 18 or 34B of chapter
39 208, section 32 of chapter 209, chapter 209A, section 15 of chapter 209C, or chapter 258E.

40 SECTION 9. Said chapter 276 of the General Laws, as so appearing, is hereby amended
41 by inserting after section 100U, the following two sections:-

42 Section 100V. Notwithstanding any other provision to the contrary, after an arrest of a
43 person under the age of criminal majority, law enforcement and criminal justice agencies shall
44 no longer transmit fingerprints and any records related to the arrest or filing of a court case
45 against the person to the federal bureau of investigation or the department of justice for any
46 offense that occurred before the age of criminal majority, except for purposes of requesting that
47 the federal bureau of investigation or the department of justice seal or expunge its records as
48 required by section 100T of this chapter and section 36 of chapter 22C.

49 Section 100W. The office of the commissioner of probation shall collect and annually
50 report on:

51 (a) the number of petitions and number of allowances and denials on petitions for sealing,
52 pursuant to sections 100B and 100C, separately, of chapter 276;

53 (b) the number of petitions and number of allowances and denials of petitions for
54 expungement, pursuant to sections 100F, 100G and 100H, separately, of chapter 276;

55 (c) the number of petitions and number of allowances and denials of petitions for
56 expungement, pursuant to section 100K of chapter 276; and

57 (d) the number of petitions and number of allowances and denials on petitions for sealing,
58 pursuant to section 100A of chapter 276;

59 (e) the number of denials pursuant to sections 100I and 100J, separately, of chapter 276.

60 Said report shall submitted to the joint committee chairs of the joint committee on the
61 judiciary and the clerks of the house of representatives and senate to the house and senate no
62 later than 75 days after the end of the fiscal year and made available to the public.