

SENATE No. 931

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 sealing of records pursuant to Section 100C of Chapter 276.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 931

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 931) of William N. Brownsberger for legislation relative to sealing of records pursuant to Section 100C of Chapter 276. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2457 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to sealing of records pursuant to Section 100C of Chapter 276.

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 100C of Chapter 276, as appearing in the 2018 Official Edition, is
2 hereby amended in the third paragraph by adding the following after “political subdivision
3 thereof”:-

4 ; nor shall such sealed records be admissible in evidence or used in any way in any court
5 proceedings or hearings before any boards or commissions, except in imposing sentence in
6 subsequent criminal proceedings to the extent provided in the second sentence of the fifth
7 paragraph of this section, and except that in any proceedings under sections 1 to 39I, inclusive,
8 of chapter 119, sections 2 to 5, inclusive, of chapter 201, chapters 208, 209, 209A, 209B, 209C,
9 or sections 1 to 11A, inclusive, of chapter 210, a party having reasonable cause to believe that
10 information in a sealed criminal record of another party may be relevant to (1) an issue of

11 custody or visitation of a child, (2) abuse, as defined in section 1 of chapter 209A or (3) the
12 safety of any person may upon motion seek to introduce the sealed record into evidence. The
13 judge shall first review such records in camera and determine those records that are potentially
14 relevant and admissible. The judge shall then conduct a closed hearing on the admissibility of
15 those records determined to be potentially admissible; provided, however, that such records shall
16 not be discussed in open court and, if admitted, shall be impounded and made available only to
17 the parties, their attorneys and court personnel who have a demonstrated need to receive them.

18 SECTION 2. Chapter 276 of the General Laws is hereby amended by striking out
19 sections 100Q and 100T, as created by section 195 of chapter 69 of the acts of 2019, and
20 inserting in place thereof the following 2 sections:-

21 Section 100Q. Unless otherwise provided by law, no person shall make records sealed
22 pursuant to section 100A, section 100B or section 100C available for inspection in any form by
23 any person. No person shall make records expunged pursuant to section 100F, section 100G,
24 section 100H or section 100K available for inspection in any form by any person.

25 Section 100T. Upon sealing a record pursuant to section 100A, section 100B or section
26 100C or upon receipt of an order of expungement pursuant to section 100F, section 100G,
27 section 100H or section 100K the commissioner of the department shall notify the Federal
28 Bureau of Investigation and the United States Department of Justice of said sealing or
29 expungement and shall request said Federal Bureau of Investigation and the United States
30 Department of Justice seal or expunge the record.