

HOUSE No. 1819

The Commonwealth of Massachusetts

PRESENTED BY:

Bud L. Williams

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 expungement of certain past marijuana convictions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/14/2023</i>

HOUSE No. 1819

By Representative Williams of Springfield, a petition (accompanied by bill, House, No. 1819) of Bud L. Williams relative to the expungement of certain past marijuana convictions. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to expungement of certain past marijuana convictions.

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. Chapter 276 of the General Laws is hereby amended by striking out section
2 100K¼, inserted by section 23 of chapter 180 of the Acts of 2022, and inserting in place thereof
3 the following section:-

4 Section 100K¼. (a) Notwithstanding the requirements of section 100I and section 100J of
5 chapter 276 the General Laws, the court shall order the expungement of any record created as a
6 result of a criminal court appearance, juvenile court appearance or disposition for:

7 (1) the possession or cultivation of an amount of marijuana decriminalized by chapter
8 387 of the acts of 2008;

9 (2) the possession or cultivation of an amount of marijuana decriminalized by chapter
10 334 of the acts of 2016;

11 (3) the possession or cultivation of an amount of marijuana decriminalized by chapter 55
12 of the acts of 2017;

13 (4) possession of marijuana with intent to distribute based on an amount of marijuana
14 decriminalized by chapter 387 of the acts of 2008, chapter 334 of the acts of 2016 or chapter 55
15 of the acts of 2017; or

16 (5) distribution of marijuana based on an amount of marijuana decriminalized by chapter
17 387 of the acts of 2008, chapter 334 of the acts of 2016 or chapter 55 of the acts of 2017.

18 (b) An individual who believes the court failed to properly expunge a record created as a
19 result of their criminal court appearance, juvenile court appearance or the disposition of a charge
20 listed in subsection (a) may petition the court to order said expungement pursuant to said
21 subsection (a). The court shall, within 30 days of a petition being filed, grant the expungement
22 pursuant to subsection (a) or deny the petition. If the court denies the petition, it shall explain the
23 reason as to why the petition was denied, including an explanation as to why the court does not
24 believe the petitioner's record is covered by the requirements of subsection (a). The court shall
25 hold a hearing if requested by the petitioner.

26 (c) Upon an order for the expungement pursuant to this section or section 100F, section
27 100G or section 100H, the court clerk's office shall provide the individual whose record is
28 expunged with a certified copy of the order, the docket sheets and the criminal complaint related
29 to the expunged charge. The court shall send a copy of the expungement order to the clerk of the
30 court where the record was created, to the commissioner of probation and to the commissioner of
31 criminal justice information services.

32

33 SECTION 2 . Subsection (a) of section 100L of said chapter 276, as appearing in the
34 2020 Official Edition, is hereby amended by striking out, in line 2, the words “or section 100K”
35 and inserting in place thereof the following words:- , section 100K or section 100K¹/₄.

36 SECTION 3. The court shall order the expungement of a record required to be expunged
37 pursuant to subsection (a) of section 100K¹/₄ of chapter 276 of the General Laws within 180
38 days after the effective date of this act.