SENATE DOCKET, NO. 2145 FILED ON: 1/20/2023

SENATE . . . . . No. 1061

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 to enhance the lives of survivors of human trafficking.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	*Second Bristol and Plymouth*

SENATE DOCKET, NO. 2145 FILED ON: 1/20/2023

SENATE . . . . . No. 1061

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1061) of Mark C. Montigny for legislation to enhance the lives of survivors of human trafficking. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1095* OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act to enhance the lives of survivors of human trafficking.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 59 of chapter 265 of the General Laws, as appearing in the 2020 Official Edition, as most recently amended by section 132 of the Acts of 2018, is hereby amended by inserting after the word “under” in the first instance the following words:- "subsection (1) of section 30 or section 30A of chapter 266, or under".

SECTION 2. Chapter 276 of the General Laws, as so appearing, is hereby amended by inserting after section 100U the following section:-

Section 100V. (a) In a case in which a plea of not guilty has been entered by a court pursuant to section 59 of chapter 265 and (i) the criminal complaint is subsequently dismissed; (ii) the defendant is found not guilty by a judge or a jury; (iii) a finding of no probable cause is made by the court; or (iv) a nolle prosequi has been entered, a judge shall, upon motion of the

defendant, seal the court appearance and disposition recorded and the clerk and the probation officers of the courts in which the proceedings occurred or were initiated shall seal the records of the proceedings in their files. Sealed records shall not operate to disqualify a person in any examination, appointment, or application for public employment in the service of the commonwealth or of any political subdivision.

(b) An application for employment used by an employer that seeks information concerning prior arrests, convictions or adjudications of delinquency of the applicant shall include, in addition to the statement required under section 100A, the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests or criminal court appearances." The attorney general may enforce this section by a suit in equity commenced in the superior court. Notwithstanding this section or any other general or special law to the contrary, the commissioner of probation or the clerk of courts in any district court, superior court, juvenile court or the Boston municipal court, in response to inquiries by authorized persons other than by a law enforcement agency or a court, shall, in the case of a sealed record, report that no record exists.