

SENATE No. 979

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>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/31/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/31/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/1/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/14/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/22/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/23/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/2/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>3/20/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/5/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>11/1/2023</i>

SENATE No. 979

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 979) of Cindy F. Friedman, Kelly W. Pease, Jason M. Lewis, Joanne M. Comerford and other members of the General Court for legislation to provide easier and greater access to record sealing. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1037 OF 2021-2022.]

The Commonwealth of Massachusetts

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

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 2020
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 further
5 amended by inserting after the third sentence the following sentences:-

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. The clerk’s office of any division of the trial court,
11 the commissioner of probation, or any other criminal justice agency, upon request of a person
12 whose offense or offenses are sealed, or the person’s legal representative, shall provide access to
13 the sealed records to the person or the person’s legal representative without said person or legal
14 representative first obtaining a court order or having to unseal the record.

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

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

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

25 SECTION 5. Said section 100B of said chapter 276, as so appearing, is hereby further
26 amended by adding the following paragraph:-

27 The words “delinquent” and delinquency”, as used in section 100B, shall include any
28 offense in the juvenile court whether or not the juvenile was charged as a youthful offender. The
29 clerk’s office of any division of the trial court, the commissioner of probation, or any other
30 criminal justice agency, upon request of a person whose offense or offenses are sealed, or the
31 person’s legal representative, shall provide access to the sealed records to the person or the

32 person's legal representative without said person or legal representative first obtaining a court
33 order or having to unseal the record.

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

36 Section 100Q. Unless otherwise provided by law, no person shall make records sealed
37 pursuant to sections 100A, 100B, or 100C or expunged pursuant to sections 100F, 100G, 100H,
38 100K or 100K¹/₄, available for inspection in any form by any person.

39 SECTION 7. Notwithstanding any general law or special law to the contrary, as soon as
40 practicable, and not later than 6 months after the effective date of this act, the commissioner of
41 probation shall seal records of: (i) criminal court appearances and dispositions in the
42 commonwealth on file with the commissioner that are eligible for sealing under section 100A of
43 chapter 276 of the General Laws; and (ii) delinquency court appearances and dispositions in the
44 commonwealth on file with the commissioner that are eligible for sealing under section 100B of
45 chapter 276 of the General Laws.

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