

HOUSE No. 1657

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 juvenile and young adult records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/16/2025</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>3/19/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>5/28/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>6/11/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>7/7/2025</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>7/7/2025</i>

HOUSE No. 1657

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 1657) of Marjorie C. Decker relative to expungement of juvenile and young adult records. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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 2022 Official Edition, is hereby amended by striking out the first sentence.

3 SECTION 2. Said first paragraph of Section 60A of chapter 119 of the General Laws, is
4 hereby further amended by striking out in line 4 of the second sentence the word “other” and by
5 inserting between the words “delinquency” and “arising” in lines 4 and 5, the following words:-

6 and youthful offender proceedings

7 SECTION 3. Section 100E of chapter 276 of the General Laws is hereby amended by
8 striking the definition “Expunge”, “expunged”, or “expungement” and inserting in place
9 thereof:-

10 “Expunge”, “expunged”, or “expungement”, the permanent erasure or destruction of a
11 record so that the record is no longer accessible to, or maintained by, the court, any criminal
12 justice agencies or any other state agency, municipal agency or county agency. Nothing in this

Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the petitioner. This information may only be used for statistical and bona fide research purposes. If the record contains information on a person other than the petitioner, it may be maintained with all identifying information of the petitioner permanently obliterated or erased.

SECTION 4. Said section 100E of chapter 276 of the General Laws is hereby further amended by striking the words “or disposition of an offense” in the definition of “record” and inserting in place there of the following words:- “or disposition of any offense”

SECTION 5. The first sentence of subsection (a) of section 100F of chapter 276 of the General Laws is hereby amended by striking the following words:- “not more than 2”

SECTION 6. The first sentence of subsection (a) of section 100H of chapter 276 of the General Laws is hereby amended by striking the following words, “who has not more than 2 records that do not include an adjudication as a delinquent, an adjudication as a youthful offender or a conviction” and inserting in place thereof the following words:- “who has any criminal or juvenile record where the disposition did not include an adjudication or conviction”

SECTION 7. Clause (a)(3) of section 100I of chapter 276 of the General Laws is hereby amended by striking the clause and inserting in place thereof the following words:-

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

years before the date on which the petition was filed if the record or records that are the subject of the petition only include a misdemeanor or misdemeanors or offenses tried in juvenile court;

SECTION 8: Section 100J of chapter 276 of the General Laws is hereby amended by striking out, section 100J, and inserting in place thereof the following section:

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

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

(2) conviction for any sex offense that can never be sealed under section 178G of chapter 6 of the General Laws; or

(3) conviction of a violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, chapter 209A, section 15 of chapter 209C, or chapter 258E.

SECTION 9. Section 100K of said chapter 276 of the General Laws is hereby amended by striking the following words “or (6) demonstrable fraud perpetrated upon the court.” and inserting in place thereof the following words:-

(6) demonstrable fraud perpetrated upon the court; or (7) alleged delinquent conduct of a child under age 12.

SECTION 10. Chapter 276 of the General Laws is hereby amended by inserting after section 100U, the following two sections:-

Section 100V. Notwithstanding any other provision to the contrary, after an arrest of a person under the age of criminal majority, law enforcement and criminal justice agencies shall no longer transmit fingerprints and any records related to the arrest or filing of a court case against the person to the Federal Bureau of Investigation or the Department of Justice for any offense that occurred before the age of criminal majority, except for purposes of requesting that the Federal Bureau of Investigation or the Department of Justice seal or expunge its records as required by section 100T of this chapter and section 36 of chapter 22C of the General laws.

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

a) the number of petitions and number of allowances and denials on petitions for sealing, pursuant to sections 100B and 100C, separately, of Chapter 276 of the General Laws;

b) the number of petitions and number of allowances and denials of petitions for expungement, pursuant to sections 100F, 100G and 100H, separately, of Chapter 276 of the General Laws

c) the number of petitions and number of allowances and denials of petitions for expungement, pursuant to section 100K of Chapter 276 of the General Laws; and

d) the number of petitions and number of allowances and denials on petitions for sealing, pursuant to section 100A of Chapter 276 of the General Laws.

e) the number of denials pursuant to sections 100I and 100J, separately, of Chapter 276 of the General Laws.

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