

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mary S. Keefe and Andres X. Vargas

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 requiring clean slate automated record sealing.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|-----------------------|------------------|
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>1/15/2025</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> | <i>1/15/2025</i> |

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act requiring clean slate automated 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 172 of chapter 6 of the General Laws, as appearing in the 2022
2 Official edition, is hereby amended by inserting after the last paragraph the following
3 paragraph:-

4 (p) The commissioner of probation shall add information in the commissioner’s database
5 upon said information’s receipt as to the date of a person’s release from a house of corrections,
6 prison or jail to implement automated and expedited record sealing, and the department of
7 criminal justice information services shall include the date of a person’s release from a house of
8 corrections, prison, or jail for any offense as part of criminal offender record information if the
9 date is known to the department.

10 SECTION 2. Section 18 ¾ of chapter 6A of the General Laws, as so appearing, is hereby
11 amending by inserting after the last paragraph the following paragraph:-

12 (16) Notwithstanding any other provision of this section to the contrary, the secretary
13 shall forthwith establish and implement procedures for the department of correction, any house

14 of corrections and any jail to report on the seventh day of each month to the commissioner of
15 probation the names, personal identifying information, and the actual dates that any person was
16 released from the house of corrections, jail or the department of correction during the prior
17 month and also shall provide such information as to other dates of past release for other
18 individuals as requested or needed by the commissioner of probation to implement automated
19 and expedited sealing of records, and the inclusion of the dates a person was released from
20 custody or incarceration on criminal offender and juvenile court activity record information
21 reports.

22 SECTION 3. Section 100A of chapter 276 of the General Laws, as so appearing, is
23 hereby amended by striking the first paragraph and inserting in place thereof the following three
24 paragraphs:-

25 Notwithstanding any law to the contrary, a person shall not be required to file a petition
26 or other form of a request in order to seal any record of criminal court appearances and
27 dispositions related to a criminal offense in the commonwealth under this section after an
28 applicable waiting period, except as specified within this section. The commissioner of probation
29 shall establish and implement an automated process for sealing of such records. The
30 commissioner shall seal all such records within 30 days of the time that the records became
31 eligible for sealing under this section; provided, however, that sealing of any conviction for a sex
32 offense, as defined in section 178C of chapter 6, shall require that a person with such records file
33 a request for sealing of such convictions with the commissioner on a form provided by the
34 commissioner. In the event that records of any offense required to be sealed under this section
35 without a request are not sealed due to an error or omission or lack of availability of a court
36 record based on the age of said record, a person with such records shall not be precluded from

37 seeking relief, and the commissioner of probation shall seal such records forthwith upon receipt
38 of any request to seal said record from the person or the person's legal representative.

39 The commissioner of probation shall provide all defendants at the time of a conviction or
40 other disposition of their offense or offenses with a notice that the offense or offenses may be
41 sealed in the future without the necessity of filing a petition to seal the records, a brief summary
42 of the sealing law, and a list of resources related to sealing of records. The clerk's office of any
43 division of the trial court, the commissioner of probation, and any other criminal justice agency,
44 upon request of a person whose records are sealed, or the person's legal representative, shall
45 provide access to the sealed records to the person or the person's legal representative without
46 said person, or legal representative obtaining a court order or having to unseal the records.

47 The commissioner of probation shall seal records of any record of criminal court
48 appearances and dispositions related to a criminal offense or offenses in the commonwealth on
49 file with the commissioner provided that: (1) the person's court appearance and court disposition,
50 including any period of incarceration or custody for any misdemeanor record to be sealed
51 occurred not less than 3 years prior to the sealing; (2) the person's court appearance and court
52 disposition, including any period of incarceration or custody for any felony record to be sealed
53 occurred not less than 7 years prior to the sealing; and (3) the person has not been found guilty of
54 any criminal offense in the commonwealth in the case of a misdemeanor, 3 years prior to the
55 sealing, and in the case of a felony, 7 years prior to the sealing. This section shall apply to court
56 appearances and dispositions of all offenses, with the exception of convictions for violations of
57 sections 121 to 129, inclusive, sections 131A to 131D, inclusive, and section 131F of chapter
58 140, and convictions for violations of chapter 268 and chapter 268A, which are all excluded
59 from sealing, except for convictions for resisting arrest. A person with a possession of marijuana

60 offense that was later decriminalized, is not precluded from seeking earlier and immediate
61 sealing of the records, if the person files a request for such sealing on a form that shall be
62 provided by the commissioner.

63 SECTION 4. Section 100A of said chapter 276, as so appearing, is hereby amended by
64 inserting after the word “files”, in line 60, the following words: within 30 days of notification of
65 such record sealing.

66 SECTION 5. Section 100B of said chapter 276, as so appearing, is hereby amended by
67 striking out the first paragraph, and inserting in place thereof the following two
68 paragraphs: -

69 Notwithstanding any law to the contrary, a person charged as a delinquent or youthful
70 offender shall not be required to file a petition or other form of request in order to seal any record
71 of criminal court appearances and dispositions related to a juvenile court offense. The
72 commissioner of probation shall establish and implement an automated process for sealing of
73 such records. The commissioner shall seal said records in the commonwealth on file with the
74 commissioner within 30 days after any records become eligible for sealing after the applicable 3-
75 year waiting period. The records shall become eligible for sealing when: (1) any court
76 appearance or disposition including court supervision, probation, commitment or parole for the
77 records to be sealed, terminated not less than 3 years earlier; and (2) said person has not been
78 adjudicated delinquent or as a youthful offender, found guilty of any criminal offense in the trial
79 court of the commonwealth, or been committed as a juvenile or imprisoned within the
80 commonwealth in the preceding 3 years. In the event that records of any offense required to be
81 sealed under this section without a petition are not sealed due to an error or omission or lack of

82 availability of a court record based on the age of said record, a person with such an offense shall
83 not be precluded from seeking relief, and the commissioner of probation shall seal such records
84 forthwith upon receipt of a request to seal said records from the person or the person's legal
85 representative.

86 The commissioner of probation shall provide all individuals at the time of an adjudication
87 or other final disposition of their offense or offenses with a notice that the offenses may be
88 sealed in the future without the necessity of filing a petition to seal the records, a brief summary
89 of the sealing law, and a list of resources related to sealing of records. The clerk's office of any
90 division of the trial court, the commissioner of probation, or any other criminal justice agency,
91 upon request of a person whose offense or offenses are sealed, or the person's legal
92 representative, shall provide access to the sealed records to the person or the person's legal
93 representative without said person, attorney or legal representative obtaining a court order or
94 having to unseal the record.

95 SECTION 6. Section 100B of said chapter 276, as so appearing, is hereby amended by
96 inserting after the word "files", in line 28, the following words:- within 30 days of notification of
97 such record sealing.

98 SECTION 7. Said section 100B of said chapter 276, as so appearing, is hereby further
99 amended by striking out, in lines 21, 37, 38 and 40, the word "delinquency" each time it appears
100 and inserting in place thereof the following words:- juvenile court

101 SECTION 8. Said section 100B of said chapter 276, as so appearing, is hereby further
102 amended by striking out in the fourth paragraph the words "a delinquent" and inserting in place
103 thereof the following words:- by the juvenile court

104 SECTION 9. Section 100Q of chapter 276, as so appearing, is hereby further amended by
105 striking out the words “or section 100B” and inserting in place thereof the following words:- ,
106 section 100B or section 100C.

107 SECTION 10. This act shall take effect 18 months following its passage. The
108 commissioner of probation shall commence the process of sealing records through the automated
109 record sealing process on or before the effective date of this act.

110 SECTION 11. Notwithstanding any general law or special law to the contrary, as soon as
111 practicable, and not later than 3 months after the effective date of this act, the commissioner of
112 probation shall seal any other records in its computerized database of: (i) all past criminal court
113 appearances and dispositions in the commonwealth on file with the commissioner that are
114 eligible for sealing under section 100A of chapter 276; and (ii) all past juvenile court offenses in
115 the commonwealth on file with the commissioner that are eligible for sealing under section 100B
116 of chapter 276. In the event that records of any offense that is eligible for sealing are not sealed,
117 a person with such records shall not be precluded from seeking other relief, and the
118 commissioner of probation shall seal such records forthwith upon receipt of any request to seal
119 said records from the person or the person’s legal representative.