

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Lindsay N. Sabadosa***

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*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 promote the health and safety of people in the sex trade.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/14/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act to promote the health and safety of people in the sex trade.

*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 7 of chapter 4, as appearing in the 2018 Official Edition, is hereby  
2 amended by inserting after the sixty-first definition the following definitions:

3 Sixty-second, "Commercial sex" shall mean a sexual act or contact with another person in  
4 return for giving or receiving anything of value.

5 Sixty-third, "Sex worker" shall mean a person who provides a sexual act or contact with  
6 another person in return for receiving anything of value.

7 SECTION 2. Subsection (a) of section 53 of chapter 272 of the General Laws is hereby  
8 amended by striking out the words "Common night walkers, common street walkers, both male  
9 and female."

10 SECTION 3. Subsections (a) and (b) of section 53A of chapter 272 are hereby repealed.

11 SECTION 4. Section 8 of chapter 272 of the General Laws is hereby repealed.

12 SECTION 5. Section 62 of chapter 272 of the General Laws is hereby repealed.

13 SECTION 6. Section 7 of chapter 272 of the General Laws is hereby stricken and  
14 replaced with the following:

15 Section 7: Support from, or sharing, earnings of prostitute

16 Whoever, knowing a person to be a prostitute, shall live or derive support or  
17 maintenance, in whole or in part, from the earnings or proceeds of his prostitution, from moneys  
18 loaned, advanced to or charged against him by any keeper or manager or inmate of a house or  
19 other place where prostitution is practiced or allowed, or shall share in such earnings, proceeds  
20 or moneys, shall be punished by imprisonment in the state prison for a period of five years and  
21 by a fine of five thousand dollars. This section shall not be used to prosecute one or more sex  
22 workers occupying a house or other place of prostitution who share their own earnings, proceeds  
23 or moneys.

24 The sentence of imprisonment imposed under this section shall not be reduced to less  
25 than two years, nor suspended, nor shall any person convicted under this section be eligible for  
26 probation, parole, or furlough or receive any deduction from his sentence for good conduct or  
27 otherwise until he shall have served two years of such sentence. Prosecutions commenced under  
28 this section shall not be continued without a finding nor placed on file.

29 SECTION 7: Section 50 of chapter 265 of the General Laws is hereby stricken and  
30 replaced with the following:

31 Section 50. Trafficking of persons for sexual servitude; trafficking of persons under 18  
32 years for sexual servitude; trafficking by business entities; penalties; tort actions brought by  
33 victims

34 (a) Whoever knowingly, and through use of threat, force, fraud or coercion: (i) subjects,  
35 or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means,  
36 or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to  
37 engage in commercial sexual activity, a sexually-explicit performance or the production of  
38 unlawful pornography in violation of chapter 272, or causes a person to engage in commercial  
39 sexual activity, a sexually-explicit performance or the production of unlawful pornography in  
40 violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a  
41 result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual  
42 servitude and shall be punished by imprisonment in the state prison for not less than 5 years but  
43 not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be  
44 reduced to less than 5 years, or suspended, nor shall any person convicted under this section be  
45 eligible for probation, parole, work release or furlough or receive any deduction from his  
46 sentence for good conduct until he shall have served 5 years of such sentence. No prosecution  
47 commenced under this section shall be continued without a finding or placed on file.

48 (b) Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors,  
49 transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport,  
50 provide or obtain by any means, a person under 18 years of age to engage in commercial sexual  
51 activity, a sexually-explicit performance or the production of unlawful pornography in violation  
52 of chapter 272, or causes a person under 18 years of age to engage in commercial sexual activity,  
53 a sexually-explicit performance or the production of unlawful pornography in violation of said  
54 chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a  
55 violation of clause (i), shall be guilty of the crime of trafficking of persons under 18 years for  
56 sexual servitude and shall be punished by imprisonment in the state prison for life or for any

57 term of years, but not less than 5 years. No person convicted under this subsection shall be  
58 eligible for probation, parole, work release or furlough or receive any deduction from his  
59 sentence for good conduct until he shall have served 5 years of such sentence.

60 (c) A business entity that commits trafficking of persons for sexual servitude shall be  
61 punished by a fine of not more than \$1,000,000.

62 (d) A victim of subsection (a) or (b) may bring an action in tort in the superior court in  
63 any county wherein a violation of subsection (a) occurred, where the plaintiff resides or where  
64 the defendant resides or has a place of business. Any business entity that knowingly aids or is a  
65 joint venturer in trafficking of persons for sexual servitude shall be civilly liable for an offense  
66 under this section.

67 SECTION 8. Section 100E of chapter 276 of the General Laws is hereby stricken and  
68 replaced with the following:

69 Section 100E: Expungement of records of marijuana and prostitution-related arrests,  
70 detentions, conviction and incarceration.

71 (a) Expungement of marijuana and prostitution-related records. Any person having a  
72 record of criminal court appearances and dispositions in the commonwealth on file with the  
73 office of the commissioner of probation, or the Department of Criminal Justice Information  
74 Services established by c. 6, sec. 167A et seq., for a marijuana offense as defined by c. 94C or  
75 other provisions of law committed before the enactment of c. 334 of the Acts of 2016, or  
76 prostitution-related offenses as defined in chapter 127 sections 8, 53, and 53A (a) and (b), shall  
77 have all such records expunged forthwith from all criminal record information systems collected  
78 or distributed by any state agency, court or municipality. Any person with a criminal record

79 eligible for expungement hereunder may apply to the commissioner, the department or the clerk  
80 of court where an expunged record exists, for expedited expungement in compliance with the  
81 provisions hereunder, and have the application acted on forthwith.

82 (b) Notice of expungement. When records of criminal appearances and criminal  
83 dispositions are expunged by the commissioner or department in their files, the commissioner or  
84 department shall notify forthwith the clerk and the probation officer of the courts in which the  
85 convictions or dispositions have occurred, or other entries have been made, of such  
86 expungement, and said clerks and probation officers likewise shall expunge records of the same  
87 proceedings in their files.

88 (c) Effect of expungement. Such expunged records shall not operate to disqualify a  
89 person in any examination, appointment or application for public service in the service of the  
90 commonwealth or of any political subdivision thereof; nor shall such expunged records be  
91 admissible in evidence or used in any way in any court proceedings or hearings before any  
92 boards or commissions. Anyone with an expunged marijuana record whose license to operate a  
93 motor vehicle remains under suspension pursuant to G.L. c. 90, sec. 22 or other provision of law,  
94 due to a marijuana infraction unrelated to a conviction for operation under the influence, is  
95 entitled to have the suspension terminated forthwith, and to have their license to operate restored  
96 forthwith.

97 (d) Employment applications. An application for employment used by an employer which  
98 seeks information concerning prior arrests or convictions of the applicant shall include the  
99 following statement:

100           “An applicant for employment with an expunged record on file with the commissioner of  
101 probation may answer ‘no record’ with respect to an inquiry herein relative to prior arrests,  
102 criminal court appearances or convictions. An applicant for employment with an expunged  
103 record on file with the commissioner of probation may answer ‘no record’ to an inquiry herein  
104 relative to prior arrests or criminal court appearances. In addition, any applicant for employment  
105 may answer ‘no record’ with respect to any inquiry relative to prior arrests, court appearances  
106 and adjudications in all cases of delinquency or as a child in need of services which did not result  
107 in a complaint transferred to the superior court for criminal prosecution.”

108           The attorney general may enforce the provisions of this paragraph by a suit in equity  
109 commenced in the superior court.

110           (e) “No record” report of expunged records. The commissioner or the department, in  
111 response to inquiries by authorized persons, shall in the case of an expunged record or in the case  
112 of court appearances and adjudications in a case of delinquency or the case of a child in need of  
113 services, report that no record exists.

114           (f) Prisoners serving sentences for expunged offenses. The commissioner of correction,  
115 and the sheriffs and masters of all county Houses of Correction shall forthwith review the  
116 sentencing mittimus’ of all prisoners in their custody to identify any prisoner held (i) pursuant to  
117 a conviction for a marijuana offense as defined by c. 94C, committed before the enactment of c.  
118 334 of the Acts of 2016; or (ii) pursuant to a conviction for a prostitution-related offense as  
119 defined by chapter 127 sections 8, 53, and 53A (a) and (b); (iii) the revocation of probation or  
120 parole regardless of the nature of the underlying offense, where the only ground for revocation  
121 was the prisoner’s use of marijuana committed before the enactment of c. 334 of the Acts of

122 2016, or engaging in prostitution. Any prisoner so identified shall be reported to the committee  
123 for public counsel services, and the district attorney for the county of the sentencing court, along  
124 with a copy of the sentencing mittimus. Any prisoner being held only for sentence under an  
125 expunged marijuana or prostitution-related offense, or held on a probation or parole surrender  
126 based only on drug testing or other probation or parole violation regarding the parolee or  
127 probationer's use of marijuana or engagement in prostitution, may apply to the sentencing court  
128 for an order of discharge and release. An initial hearing shall be held within ten days of court  
129 application, to determine whether any basis other than a marijuana or prostitution-related law  
130 violation exists for the prisoner's continued detention. If no other basis exists the prisoner shall  
131 be released forthwith at the initial hearing; if other non-marijuana related cause for custody  
132 appears to exist, the prisoner may seek a continuance of the initial hearing to further investigate  
133 and present evidence regarding a claim that the only basis for the prisoner's custody is a  
134 conviction or probation or parole surrender for the violation of an expunged or other marijuana  
135 or prostitution-related offense or the prisoner's use of marijuana or engagement in prostitution  
136 while on probation or parole.