SENATE DOCKET, NO. 1907 FILED ON: 1/17/2025

SENATE . . . . . No. 1058

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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:	
Cynthia Stone Creem	*Norfolk and Middlesex*	
John F. Keenan	*Norfolk and Plymouth*	*3/31/2025*
James B. Eldridge	*Middlesex and Worcester*	*6/11/2025*
Patricia D. Jehlen	*Second Middlesex*	*6/11/2025*

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1058) of Cynthia Stone Creem for legislation to expunge juvenile and young adult records. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *936* OF 2023-2024.]

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:

SECTION 1. The first paragraph of Section 60A of chapter 119 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the first sentence.

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

SECTION 3. Section 100E of chapter 276 of the General Laws is hereby amended by striking the definition “Expunge”, “expunged”, or “expungement” and inserting in place 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
13 Section shall be construed to prohibit the maintenance of information relating to an offense after
14 records or files concerning the offense have been expunged if the information is kept in a manner
15 that does not enable identification of the petitioner. This information may only be used for
16 statistical and bona fide research purposes. If the record contains information on a person other
17 than the petitioner, it may be maintained with all identifying information of the petitioner
18 permanently obliterated or erased.

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

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

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

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

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

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

39 Section 100J. None of the following offenses are eligible for expungement under section
40 100F, 100G, or 100H:

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

43 (2) conviction for any sex offense that can never be sealed under section 178G of chapter
44 6 of the General Laws; or

45 (3) conviction of a violation of an order issued pursuant to section 18 or 34B of chapter
46 208, section 32 of chapter 209, chapter 209A, section 15 of chapter 209C, or chapter 258E.

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

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

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

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

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

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

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

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

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

72 e) the number of denials pursuant to sections 100I and 100J, separately, of Chapter 276 of
73 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.