SENATE DOCKET, NO. 1356 FILED ON: 1/16/2025

SENATE . . . . . No. 1124

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gómez

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 remove collateral consequences and protect the presumption of innocence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Adam Gómez	*Hampden*	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/1/2025*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*2/1/2025*
Sean Reid	*11th Essex*	*2/11/2025*
Patricia D. Jehlen	*Second Middlesex*	*2/20/2025*
Liz Miranda	*Second Suffolk*	*2/27/2025*
Sal N. DiDomenico	*Middlesex and Suffolk*	*4/1/2025*
Manny Cruz	*7th Essex*	*6/2/2025*
Pavel M. Payano	*First Essex*	*7/1/2025*

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SENATE . . . . . No. 1124

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 1124) of Adam Gomez, Joanne M. Comerford, Rebecca L. Rausch, Sean Reid and other members of the General Court for legislation to remove collateral consequences and protect the presumption of innocence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *998* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to remove collateral consequences and protect the presumption of innocence.

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. Section 172(a)(3) of chapter 6, as appearing in the 2022 Official Edition, is hereby amended by striking the number “10” in the second sentence in subsection (i) and inserting in place thereof, the following number: - 7.

SECTION 2. Section 172(a)(3) of chapter 6, as appearing in the 2022 Official Edition, is hereby amended by striking the number “5” in subsection (ii) and inserting in place thereof, the following number: - 3.

SECTION 3. Section 172 of chapter 6, as appearing in the 2022 Official Edition, is hereby amended by adding after subsection (o), the following new subsection :- (p) When the department provides any requestor with criminal offender record information about any pending

charge or any offense that did not result in a criminal conviction, the department shall provide a written statement to the requestor that “A presumption of innocence applies to an individual with an offense that did not result in a conviction or is still pending,”

SECTION 4. Section 100B of chapter 276, as appearing in the 2022 Official Edition, is hereby amended after the last sentence in the first paragraph, the following paragraph:-

Notwithstanding the above provisions, the clerk and the commissioner shall seal all records related to any offense immediately if the offense did not result in an adjudication, absent an objection from the juvenile upon final disposition of the offense, including completion of any period of court-ordered supervision or other court ordered conditions related to the offense. The juvenile shall not be required to file a petition or other request to seal the offense or offenses. A juvenile who objected to sealing of an offense shall be permitted to request sealing of the same offense at a later time, and the commissioner shall seal any such eligible offense upon request.

SECTION 5. Said section 100B of said chapter 276, as so appearing in the 20--, is hereby further amended by striking out in the second sentence of the second paragraph, the word “delinquency” and replacing it wherever it appears in the sentence with the following words: - juvenile court

SECTION 6. Section 100C of chapter 276, as appearing in the 2022 Official Edition, is hereby amended by striking the first and second paragraph and inserting in place thereof the following paragraphs:-

(a) Whenever a criminal court offense does not result in a conviction, the clerk and the commissioner shall seal all records related to the offense immediately absent an objection from the defendant upon final disposition of the offense, including completion of any period of court-

ordered supervision or other court ordered conditions for the offense. The individual shall not be required to file a petition or other request to seal the charge or charges. A person who objects to sealing that did not result in a conviction shall be permitted to request sealing of the same offense at a later time, and the commissioner shall seal any such eligible offense upon request. Nothing in this section shall prohibit the commissioner from sealing any eligible offense pursuant to section 100A of this chapter.

(b) There shall be no waiting period for any offense that did not result in a conviction or "guilty file" disposition. For the purposes of this section, a conviction is defined only as a finding of guilt and does not include a continuance without a finding or a "file" disposition without a finding of guilt.

SECTION 7. Section 100Q of chapter 276, as appearing in the 2022 Official Edition, is hereby amended by inserting after the first sentence the following sentence: -

The clerk's office of any division of the trial court, the commissioner of probation, or any other criminal justice agency, upon request of a person whose offense or offenses are sealed, or the person's legal representative, shall provide access to the sealed records to the individual or the individual's legal representative without said person or legal representative obtaining a court order to unseal the record or taking other action. Any fee for copies of said records shall be waived if the person whose records were sealed is indigent.