SENATE . . . . . No. 3217

Senate, July 23, 2026 -- Text of amendment (511) (offered by Senator Creem) to the Ways and Means amendment (Senate, No. 3178) to the House Bill relative to economic development in the commonwealth.

The Commonwealth of Massachusetts

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

by inserting after section 6 the following sections:-

"SECTION 6A. Section 18 3/4 of said chapter 6A, as so appearing, is hereby amended by adding the following paragraph:-

(16) The secretary shall ensure that each agency and board within the executive office and every house of correction and jail provide to the commissioner of probation all information that is necessary to automate record sealing pursuant to sections 100A to 100B, inclusive, of chapter 276."; and

by inserting after section 137 the following 6 sections:-

"SECTION 137A. Section 100A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

Except as otherwise provided in this section, records of any criminal court appearances and dispositions related to a criminal offense or offenses in the commonwealth on file with the commissioner of probation shall be eligible for sealing by the commissioner if: (i) the person's

court appearance and court disposition records, including any period of incarceration or custody, for any misdemeanor record to be sealed occurred not less than 3 years prior to the sealing; (ii) the person's court appearance and court disposition records, including any period of incarceration or custody, for any felony record to be sealed occurred not less than 7 years prior to the sealing; (iii) the person has not been found guilty of any criminal offense in the commonwealth in the case of a misdemeanor, within 3 years prior to the sealing, and in the case of a felony, 7 years prior to the sealing; (iv) the person has not been convicted of any criminal offense in any other state, United States possession or in a court of federal jurisdiction, except for motor vehicle offenses in which the penalty does not exceed a fine of $50, and has not been imprisoned in any state or county in the case of a misdemeanor, within the preceding 3 years, and in the case of a felony, within the preceding 7 years; and (v) the person’s record does not include convictions of offenses other than those to which this section applies. For records that are otherwise eligible pursuant to clauses (i) to (iii), inclusive, the commissioner shall conduct a criminal record check in other states and jurisdictions, which may include a review of the Federal Bureau of Investigation’s Interstate Identification Index, to determine whether the record is eligible under clause (iv); provided, however, that such process shall be automated. This section shall not apply in the case of convictions for violations of sections 121 to 129D, 130 1/2 to 131C, inclusive, and 131F and 131F 1/2 of chapter 140 or for violations of chapter 268 or chapter 268A, except for convictions for resisting arrest.

Records that are eligible for sealing under this section shall be sealed automatically by the commissioner without requiring a petition, unless: (i) the record is of a sex offense, as defined by section 178C of chapter 6; (ii) the commissioner’s criminal record check for records in other states and jurisdictions produces a result that makes it impossible for the automated

sealing system to determine eligibility under clause (iv) of the first paragraph of this section; or (iii) the record is of a decriminalized offense, the elements of which continue to be a crime under a different designation that is not otherwise eligible for sealing or the automatic sealing of which is not possible due to the nature of the elements of the offense. A person with a record that is eligible for sealing, but that is excluded from automatic sealing, may file a petition on a form furnished by the commissioner and signed under the penalties of perjury, requesting that the commissioner seal their records and the commissioner shall comply with the request, subject to this section; provided, however, that such petition shall include a statement by the petitioner that the petitioner has not been convicted of any criminal offense in any other state, United States possession or in a court of federal jurisdiction and has not been imprisoned in any state or county in the case of a misdemeanor, within the preceding 3 years, and in the case of a felony, within the preceding 7 years; and provided further, that sealing shall be automated without the requirement to file a petition when the commissioner's criminal record check for records in other states and jurisdictions produces a result that shows no records in other states or jurisdictions or shows only records that the automated sealing system can determine do not make the person ineligible for sealing, and the record is otherwise eligible for sealing. The commissioner shall implement an automated criminal background check process to conduct such checks in other states and jurisdictions that is as accurate as technologically feasible and limits the need for otherwise eligible persons to file a petition for record sealing.

SECTION 173B. Said section 100A of said chapter 276, as so appearing, is hereby further amended by inserting after the word "files", in line 60, the following:- within 30 days of such notification.

SECTION 173C. Said chapter 276 is hereby further amended by inserting after section 100A the following section:-

Section 100A 1/2. The commissioner of probation shall seal records subject to automated sealing under section 100A or 100B within 30 days of the time that the records became eligible for sealing. The commissioner of probation shall provide individuals at the time of an adjudication or other final disposition of their juvenile or criminal offense or offenses with a notice that the offenses may be sealed in the future by an automated process without the requirement for a petition to seal the records, a brief summary of the sealing law and a list of resources related to sealing of records. 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 person or the person's legal representative without said person or legal representative obtaining a court order or having to unseal the record. In the event that records of any offense eligible to be sealed under section 100A or 100B are not sealed due to an error, omission or lack of availability of a court record based on the age of said record, a person with such records shall not be precluded from seeking a sealing of such record, and the commissioner shall seal such records, if eligible for sealing, forthwith upon receipt of a request to seal said record on a form furnished by the commissioner and signed under the penalties of perjury.

SECTION 173D. Section 100B of said chapter 276, as appearing in the 2024 Official Edition, is hereby amended by striking out the first two sentences and inserting in place thereof the following 5 sentences:- The commissioner of probation shall automatically, and without requiring a petition, seal records of juvenile offenses if: (i) any court appearance or disposition, including court supervision, probation, commitment or parole for the records to be sealed,

terminated not less than 3 years earlier; (ii) said person has not been adjudicated delinquent or as a youthful offender, found guilty of any criminal offense in the commonwealth or been committed as a juvenile or imprisoned under sentence within the commonwealth in the preceding 3 years; and (iii) has not been adjudicated delinquent or as a youthful offender or found guilty of any criminal offense in any other state, United States possession or in a court of federal jurisdiction, except for motor vehicle offenses in which the penalty does not exceed a fine of $50, and has not been committed as a juvenile or imprisoned under sentence in any state or county within the preceding 3 years. For records that are otherwise eligible pursuant to clauses (i) and (ii), the commissioner shall conduct a criminal record check in other states and jurisdictions, which may include a review of the Federal Bureau of Investigation's Interstate Identification Index, to determine whether the record is eligible under clause (iii); provided, however, that such process shall be automated. If the commissioner's criminal record check for records in other states and jurisdictions produces a result that makes it impossible for the automated sealing system to determine eligibility under clause (iii), the record shall not be sealed automatically. A person with a record that is eligible for sealing under this section, but that is excluded from automatic sealing, may file a petition on a form furnished by the commissioner and signed under the penalties of perjury, requesting that the commissioner seal their records and the commissioner shall comply with the request; provided, however, that such form shall include a statement by the petitioner that the petitioner has not been adjudicated delinquent or found guilty of any criminal offense in any other state, United States possession or in a court of federal jurisdiction and has not been imprisoned under sentence or committed as a delinquent in any state or county within the preceding 3 years; and provided further, that sealing shall be automated without the requirement to file a petition when a person has no records in other states

or jurisdictions or when the commissioner's criminal record check for records in other states and jurisdictions produces a result that shows no records in other states or jurisdictions or shows only records that the automated sealing system can determine do not make the person ineligible for sealing, and the record is otherwise eligible for sealing. The commissioner shall implement an automated criminal background check process to conduct such checks in other states and jurisdictions that is as accurate as technologically feasible and limits the need for otherwise eligible persons to file a petition for record sealing.

SECTION 137E. Said section 100B of said chapter 276, as so appearing, is hereby further amended by inserting after the word "files", in line 28, the following:- within 30 days of such notification.

SECTION 137F. Section 100Q of said chapter 276, as so appearing, is hereby further amended by striking out the words "or section 100B" and inserting in place thereof the following:- , section 100B or section 100C."; and

by inserting after section 138 the following section:-

"SECTION 138A. Item 8000-2025 of section 2C of chapter 151 of the acts of 2020 is hereby amended by striking out the words "to automate" and inserting in place thereof the following words:- , which shall include the automation of."; and

By inserting after section 163 the following section:-

SECTION CS9. Sections 6A and 137A to 137E, inclusive, shall take effect: (i) upon certification by the commissioner of probation to the governor and the general court that an automated sealing system is ready for implementation; or (ii) July 1, 2030, whichever comes

first. Within 3 months of the effective date, the commissioner shall seal all records of past criminal and juvenile court appearances and dispositions and juvenile offenses on file with the commissioner that are eligible to be automatically sealed pursuant to sections 100A and 100B of chapter 276 of the General Laws.".