

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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:

Adam Gomez

DISTRICT/ADDRESS:

Hampden

SENATE No.

[Pin Slip]

[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:

1 SECTION 1. Section 172(a)(3) of chapter 6, as appearing in the 2022 Official Edition, is
2 hereby amended by striking the number “10” in the second sentence in subsection (i) and
3 inserting in place thereof, the following number: - 7.

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

7 SECTION 3. Section 172 of chapter 6, as appearing in the 2022 Official Edition, is
8 hereby amended by adding after subsection (o), the following new subsection :- (p) When the
9 department provides any requestor with criminal offender record information about any pending
10 charge or any offense that did not result in a criminal conviction, the department shall provide a

11 written statement to the requestor that “A presumption of innocence applies to an individual with
12 an offense that did not result in a conviction or is still pending,”

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

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

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

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

29 (a) Whenever a criminal court offense does not result in a conviction, the clerk and the
30 commissioner shall seal all records related to the offense immediately absent an objection from
31 the defendant upon final disposition of the offense, including completion of any period of court-
32 ordered supervision or other court ordered conditions for the offense. The individual shall not be

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

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

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

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