

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO. H1657

TITLE: An Act relative to expungement of juvenile and young adult records

SPONSOR: Rep. Marjorie C. Decker

COSPONSOR(S): Rep. Andres X. Vargas

HEARING DATE: June 10, 2025

PRIOR HISTORY: H1451 (2023-2024)
H1531 (2021-2022)

SENATE BILL: S1058 (Creem)

CURRENT LAW:

Section 60A of Chapter 119 of the General Laws permits public inspection of the records of a youthful offender proceeding conducted pursuant to an indictment in the same manner and extent as adult criminal court records. All other delinquency court records require judicial consent for public inspection unless the request is from the child proceeded against, their parent, guardian or attorney. The child's name may be available to the public without consent if the child is between the ages of 14 and 18, charged with delinquency due to an act with potential prison sentence in adult court and has at least 2 prior delinquency adjudications for acts punishable by state prison time in adult court.

Section 100E of Chapter 276 lists the definitions in use for Sections 100E through 100U which cover sealing and expungement of criminal records.

Section 100F of Chapter 276 permits a person with not more than 2 records of adjudication for delinquency or as a youthful offender to petition for expungement of said records. It outlines the timeline and procedure for the petition process including objections to the petition.

Section 100H of Chapter 276 permits a person with not more than 2 records that do not include an adjudication or a conviction petition for the expungement of said records. Eligibility is determined by Sections 100I and 100J of the Chapter. It outlines the timeline and

procedure for the petition process including objections to the petition.

Section 100I of Chapter 276 requires the Commissioner of Probation to certify that the record is eligible for expungement upon the receipt of a petition if: (i) the offenses do not include a criminal offense included in Section 100J; (ii) the offenses occurred before the petitioner turned 21 years old; (iii) the offenses and penalties occurred not less than 7 years ago if a felony and not less than 3 years ago if a misdemeanor; (iv) the petitioner has no other record in any jurisdiction in the United States; and (v) it includes a certification stating that the petitioner has no knowledge of being the subject of any active criminal investigation.

Section 100J of Chapter 276 excludes from eligibility for expungement any: (i) offense resulting in death or serious bodily injury or committed with the intent to cause the same; (ii) offense committed while armed with a dangerous weapon; (iii) offense against an elderly or disabled person; (iv) sex offense or sexually violent offense; or (v) operating under the influence in a motor vehicle offense. It further excludes with some exceptions any: (vi) offense in violation of firearms laws; (vii) offense in violation of a violence or harassment protection order; (viii) domestic violence offense; (ix) felony offense in violation of Chapter 265.

Section 100K of Chapter 276 permits a Court to order the expungement of any appearance or disposition if they find clear and convincing evidence that the record was created as a result of false identification, demonstrable error or fraud or an offense which is no longer a crime and that expungement is in the best interest of justice. Section 100O of Chapter 276 excludes all petitions and records relating to expungements from public records laws and requires the expungement of such petitions and records within 60 days of an expungement order.

BILL SUMMARY:

Sections 1 & 2 – Remove from Section 60A of Chapter 119 the language and references that permit public inspection of the records of a youthful offender proceeding conducted pursuant to an indictment in the same manner and extent as adult criminal court records.

Section 3 – Adds to the definition of “Expungement” in Section 100E of Chapter 276 that it may be construed to prohibit the maintenance of non-identifiable offense information after expungement for statistical and bona fide research purposes.

Section 4 – Changes in the definition of “Record” in Section 100E of Chapter 276 the words “disposition of an offense” to “disposition of any offense.”

Section 5 – Updates Section 100F of Chapter 276 to permit a person 2 records of adjudication for delinquency or as a youthful offender to petition for expungement of said records.

Section 6 – Update Sections 100H of Chapter 276 to permit a person who has any criminal or juvenile record where the disposition did not include an adjudication or conviction to petition for expungement of said records.

Section 7 – Updates Section 100I of Chapter 276 to treat all offenses tried in juvenile court as misdemeanors for the purpose of the lookback eligibility requirement.

Section 8 – Reduces the offenses ineligible for expungement under Section 100J of Chapter 276 to offenses resulting in death or serious bodily injury, sex offenses and offenses in violation of violence and harassment protection orders with some exceptions.

Section 9 – Adds to Section 100K of Chapter 276 that the Court may also permit expungement on these terms if the record was created as a result of alleged delinquent conduct of a child under the age of 12 years old.

Section 10 – Creates a new Section 100V in Chapter 276 that prohibits the transmission of any fingerprints or records of any arrest of a person under the age of criminal majority to the FBI or Department of Justice unless the transmission is to request that the record be sealed or expunged. Creates a new Section 100W in Chapter 276 requiring the Office of the Commissioner of Probation to annually report on petitions for sealing and expungement pursuant to Sections 100A to 100K of the Chapter to the legislature and the public.