

**JOINT COMMITTEE ON THE JUDICIARY  
BILL SUMMARY**

**BILL NO.** H1587

**TITLE:** An Act relative to justice for survivors.

**SPONSOR:** Rep. Christine P. Barber and Rep. Brandy Fluker-Reid

**COSPONSOR(S):** Rep. Lindsay N. Sabadosa Rep. James C. Arena-DeRosa  
Rep. Mike Connolly Rep. Marjorie C. Decker  
Rep. Patrick J. Kearney Sen. Jason M. Lewis  
Rep. Samantha Montano Rep. Steven Owens

**HEARING DATE:** June 17, 2025

**PRIOR HISTORY:** None

**SENATE BILL:** S1256 (Rush)

**CURRENT LAW:** Sections 57 and 59 of Chapter 265 of the General Laws create an affirmative defense of being a victim of human trafficking for certain offenses.

Section 100A of Chapter 276 permits persons with criminal court appearances and dispositions in the Commonwealth to request that the Commissioner of Probation seal the file.

Section 100B of Chapter 276 permits persons with records of a delinquency court appearance in the Commonwealth to request that the Commissioner of Probation seal the file.

Section 100C of Chapter 276 requires the sealing of all records of criminal cases resulting in findings of not guilty, no return by grand jury or no probable cause without petition. Sealing dismissed cases and cases that the prosecutor declined to pursue (nolle prosequi) require a finding by the Court that substantial justice would best be served by a sealing order.

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

Section 100K of Chapter 276 permits a Court to order the expungement of any appearance or disposition if it finds 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 100Q of Chapter 276 prohibits making records sealed pursuant to section 100A or section 100B or expunged pursuant to section 100F, section 100G, section 100H or section 100K available for inspection in any form by any person.

Section 6B of Chapter 279 permits a Court to consider the defendant's status as a primary caretaker before imposing a sentence and unless a sentence of incarceration is required by law, prohibits the Court from imposing a sentence of incarceration without written findings on this status.

**BILL SUMMARY:**

Section 1 – Adds a new Section 10 to Chapter 263 entitled the “Massachusetts Survivors Act” which permits any adult or child charged with a crime to file a motion, any time after a charge has been filed, alleging they are subject to relief pursuant to the Act because their alleged offenses were related to them being a survivor of abuse, sexual assault or human trafficking and seeking pretrial diversion, a reduced sentence or postconviction relief. The moving adult or child (“defendant”) must submit documentation in support of the motion and the Court may have a hearing on the motion. Everything relating to this filing and proceeding is inadmissible in any further proceeding. The Attorney General must collect information on these motions and file an annual report to the Joint Committee on the Judiciary.

Section 2 – Adds a new Section 10A to Chapter 263 permitting the defendant to seek pretrial diversion in their motion when proceedings have been suspended without a guilty plea for three to 24 months. The motion must include a plan for the diversion period and the Court must make written findings on the motion within 60 days. The Court must dismiss the underlying case if the defendant performs satisfactorily in diversion.

Section 3 – Adds a new Section 10B to Chapter 263 requiring a Court to consider a motion for relief pursuant to Section 2 of the Act during a hearing to impose a sentence or accept a guilty plea. If the Court finds by a preponderance of the evidence that the defendant has proven the allegations in the motion it may reduce the sentence below the statutory range, suspend the sentence or order probation. The Act provides a list of permissible sentencing deviations and mandates that a child adjudicated as delinquent may not be committed to the Department of Youth Services (DYS).

Section 4 – Adds a new Section 10C to Chapter 263 permitting persons incarcerated or in DYS custody to file a petition for relief pursuant to the Act using a petition form created by the Court. The Court shall then notify the petitioner that they may submit a motion to be resentenced, notify the District Attorney and assign counsel if requested by the petitioner. The motion then proceeds in the same manner as the motion in Section 3 of the Act.

Section 5 – Adds to Section 100E of Chapter 276 a definition for “sexual assault, or human trafficking.”

Sections 6 to 8 – Updates Section 100K of Chapter 276 by adding language permitting a Court to order expungement for an offense related to the petitioner being a victim of abuse, sexual assault or human trafficking and providing the types of credible evidence the Court may consider in determining a petitioner’s eligibility for relief.

Section 9 – Updates Section 100Q of Chapter 276 by inserting a proviso that the inspection of these records may be provided otherwise by law and inserting a reference to Section 100C.

Section 10 – Updates Section 100C of Chapter 276 to permit a judge to seal any court appearance or disposition for an offense related to the petitioner being a survivor of abuse, sexual assault or human trafficking

Section 11 – Adds to Sections 100A, 100B and 100C of Chapter 276 permission for the clerk or any other criminal justice agency to provide access to sealed records to the individual or their legal

representative upon request and without court order. Adds a new Section 6C to Chapter 279 requiring that a person eligible for a reduced or alternative sentence pursuant to the Act be sentenced according to the procedures in Sections 10 and 10A of Chapter 263.

Section 12 – Adds language after Section 6B of Chapter 279 prohibiting the rights under the Act from being waived or barred by any plea agreement. It permits a District Attorney to file a motion to vacate or set aside a judgment of conviction at any time upon clear and convincing evidence that the defendant was convicted of an offense they did not commit.

Section 13 – Repeals Sections 57 and 59 of Chapter 265 and replaces them with language creating the affirmative defense of duress or coercion due to being a survivor of abuse, sexual assault or human trafficking for any criminal or delinquency charge.