

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1693

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

SPONSOR: Rep. Brandy Fluker-Reid

COSPONSORS: Rep. Lindsay N. Sabadosa Rep. Patricia A. Duffy
Rep. Natalie M. Higgins Rep. James C. Arena-DeRosa
Rep. Erika Uytterhoeven Rep. Antonio F.D. Cabral
Rep. Marjorie C. Decker Rep. Christine Barber
Rep. Sean Reid Rep. Christopher Hendricks
Rep. Samantha Montaña Rep. Mike Connolly
Rep. Michelle DuBois Sen. Jason Lewis
Sen. Michael Moore Sen. Rebecca L. Rausch

HEARING DATE: September 9, 2025

REPORTING DEADLINE: November 8, 2025

PRIOR HISTORY: H1493 (2023-2024)
H1568 (2021-2022)

SENATE BILL: S1124 (Gomez)

CURRENT LAW: Section 172 of Chapter 6 of the General Laws limits access to criminal record information maintained by the Department of Criminal Justice Information Services. It includes a provision holding back information on most felony convictions over 10 years old and most misdemeanors over 5 years old from employer, housing and licensing screeners accessing the information.

Section 100A of Chapter 276 permits persons with criminal court appearances and dispositions in the Commonwealth request that the Commissioner of Probation seal the file. The Commissioner must grant the request if: (i) the misdemeanor offense and punishment are over 3 years old; (ii) the felony offense and punishment are over 7 years old; (iii) there are no convictions for misdemeanors within the past 3 years or felonies within the past 7 years and the petitioner avers the same for other jurisdictions; and (iv) there are no other convictions on their record with some exceptions.

Section 100B of Chapter 276 permits persons with records of entries of a delinquency court appearance in the Commonwealth request that the Commissioner of Probation seal the file. The Commissioner must grant the request if: (i) the disposition and penalty are over 3 years old; (ii) there are no adjudications of delinquent or criminal conviction within the past 3 years and the petitioner avers the same for other jurisdictions.

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 100Q of Chapter 276 prohibits making records sealed under Sections 100A or 100B or expunged under Sections 100F, 100G, 100H or 100K available for inspection in any form by any person.

BILL SUMMARY:

Sections 1 and 2 – Updates Section 172 of Chapter 6 to require the holdback on most felony convictions over 7 years old and most misdemeanors over 3 years old.

Section 3 – Adds language to Section 100A of Chapter 276 prohibiting the Commissioner from imposing a waiting period for any offense that did not result in a guilty finding.

Section 4 – Adds to Section 100B of Chapter 276 that the words “delinquent” or “delinquency” include offenses where the juvenile is charged or adjudicated as a youthful offender without transfer or filing in any court other than the juvenile session. Requires the Commissioner immediately seal any offense that did not result in adjudication without any requirement to petition or request the action unless the juvenile objects.

Section 5 – Updates Section 100C of Chapter 276 to require the sealing of all criminal court offenses that do not result in a conviction without any requirement to petition or request the action absent an objection by the recorded person. A conviction includes a finding of guilt and does not include a continuance without a finding.

Section 6 – Adds to Section 172 of Chapter 6 a requirement that the department add a statement on the presumption of innocence when

they provide any requestor with offender information about a pending charge or an offense that did not result in a conviction.

Section 7 – Adds to Section 100Q of Chapter 276 permitting access to sealed records by the person recorded or their legal representative without the requirement of a court order and to provide immediately prior to sealing or expungement a certified copy of the criminal offender record information to the person recorded.