

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Scott P. Brown

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 passage of the accompanying bill:

An Act enhancing the criminal offender register information system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Scott P. Brown	Norfolk, Bristol and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Jeffrey Davis Perry	5th Barnstable

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ENHANCING THE CRIMINAL OFFENDER REGISTER INFORMATION SYSTEM.

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 168 of Chapter 6 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following:-

4 There shall be a criminal history systems board, hereinafter called the board, consisting
5 of the following persons: the secretary of public safety and security, who shall serve as chairman,
6 the secretary of labor and workforce development, the attorney general, the chairperson of the
7 Massachusetts sentencing commission, the chief counsel for the committee for public counsel
8 services, the chairman of the parole board, the commissioner of the department of correction, the
9 commissioner of probation and commissioner of the department of youth services and the
10 colonel of state police, or their designees, all of whom shall serve ex officio, and 10 persons to
11 be appointed by the governor for a term of 3 years, 1 of whom shall represent the Massachusetts
12 District Attorneys Association, 1 of whom shall represent the Massachusetts Sheriffs
13 Association, and 1 of whom shall represent the Massachusetts Chiefs of Police Association, 1 of

14 whom shall represent private users of criminal offender record information, 1 of whom shall be a
15 victim of crime, 2 of whom shall be a provider of victim services, 2 of whom shall have
16 experience in the areas of workforce development, ex-offender rehabilitation, or economic
17 development, and 2 of whom shall be persons who have experience in issues relating to personal
18 privacy. Upon the expiration of the term of any appointive member, his successor shall be
19 appointed in a like manner for a term of 3 years.

20 SECTION 2. Said section 168 is further amended by striking out, in line 50, the word
21 “hundred” and inserting in place thereof the following: - thousand.

22 SECTION 3. Said chapter 6 of the General Laws, as so appearing, is hereby amended by
23 inserting after section 168 the following section:-

24 Section 168½. There shall be within the executive office of public safety and security a
25 criminal justice information services department, hereinafter called the department. The
26 department shall provide for and exercise control over the installation, operation and
27 maintenance of data processing and data communication systems, hereinafter called the criminal
28 justice information system. Said system shall be designed to ensure the prompt collection,
29 exchange, dissemination and distribution of such criminal offender record information as may be
30 necessary for the efficient administration and operation of criminal justice agencies, and to
31 connect such systems directly or indirectly with similar systems in this or other states and federal
32 agencies including the Federal Bureau of Investigation (FBI) that utilize fingerprints or iris
33 scanning and similar databases. The secretary of public safety and security shall appoint an
34 executive director who shall be classified in accordance with Section 45 of Chapter 30 and the
35 salary shall be determined in accordance with Section 46C of said Chapter 30. Said director

36 shall be responsible for all data processing, for the management of the automated criminal
37 offender record information and teleprocessing system, for the supervision of all personnel
38 associated with that system and for the appointment of all such personnel. The director may
39 appoint such other employees, including experts and consultants, as he deems necessary to carry
40 out the department's responsibilities.

41 The department is authorized to enter into contracts and agreements with, and accept gifts,
42 grants, contributions, and bequests of funds from, any department, agency, or subdivision of
43 federal, state, county, or municipal government and any individual, foundation, corporation,
44 association, or public authority for the purpose of providing or receiving services, facilities or
45 staff assistance in connection with its work. Such funds shall be deposited with the state treasurer
46 and may be expended by the department in accordance with the conditions of the gift, grant,
47 contribution, or bequest, without specific appropriation.

48 SECTION 4. Section 172 of said chapter 6 is hereby amended by inserting after the word
49 "privacy", in line 14 and in line 40, the following:-

50 "and the importance and value of successful reintegration of ex-offenders."

51 SECTION 5: Said section 172 of said chapter 6 is hereby amended by inserting at the end
52 thereof the following:-

53 "No employer, agency, entity or person shall be held liable for negligent hiring,
54 negligent supervision, negligent retention or any other claim based directly or indirectly upon the
55 failure by that employer, agency, entity or person to request, obtain, or consider, from any
56 source, information consisting of or relating to criminal offender record information, if such

57 information would be restricted from receipt, disclosure or consideration pursuant to this section,
58 G.L. c.151B(4)(9), or any other statute or regulation.”

59 SECTION 6. Section 18 of chapter 6A of the General Laws, as appearing in the 2006
60 Official Edition, is hereby amended by striking it in its entirety and inserting in place thereof the
61 following section:-

62 Section 18. The following state agencies are hereby declared to be within the executive
63 office of public safety and security; the department of public safety; the department of fire
64 services; the office of grants and research and the highway safety division; the municipal police
65 training committee; the criminal justice information services department; the statewide
66 emergency telecommunications board; the merit rating board; the department of state police; the
67 office of the chief medical examiner; the Massachusetts emergency management agency; the
68 military department; the department of correction, including the parole board; the sex offender
69 registry board; and all other agencies and boards within said departments, committees and
70 boards.

71 SECTION 7. Section 100A of chapter 276 of the General Laws, as appearing in the 2006
72 Official Edition, is hereby amended by inserting, after line 40, the following:-

73 “Sex offenses, as defined in Section 172C of Chapter 6, shall not be eligible for sealing.”

74 SECTION 8. Said chapter 276 of the General Laws, is hereby amended by inserting
75 after Section 100C the following section:-

76 Section 100D. Notwithstanding any provision of Section 100A, 100B, or 100C of this
77 Chapter, criminal justice agencies as defined in Section 167 of Chapter 6 shall have immediate

78 access to, and be permitted to use as necessary for the performance of their criminal justice
79 duties, any sealed criminal offender record information as defined in Section 167 of Chapter 6
80 and any sealed information concerning criminal offenses or acts of delinquency committed by
81 any person before he attained the age of 17.