

HOUSE No. 1811**The Commonwealth of Massachusetts**

PRESENTED BY:

Mary S. Keefe and Andres X. Vargas*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 requiring clean slate automated record sealing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/15/2025</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/15/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/12/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/7/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>3/10/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/14/2025</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/18/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/29/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/27/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/10/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/12/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/5/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>2/11/2025</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/21/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/4/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/29/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>2/4/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/25/2025</i>

<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/3/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/10/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>1/29/2025</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/22/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>3/5/2025</i>

HOUSE No. 1811

By Representatives Keefe of Worcester and Vargas of Haverhill, a petition (accompanied by bill, House, No. 1811) of Mary S. Keefe, Andres X. Vargas and others relative to automated record sealing. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act requiring clean slate automated record sealing.

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 of chapter 6 of the General Laws, as appearing in the 2022
2 Official edition, is hereby amended by inserting after the last paragraph the following
3 paragraph:-

4 (p) The commissioner of probation shall add information in the commissioner's database
5 upon said information's receipt as to the date of a person's release from a house of corrections,
6 prison or jail to implement automated and expedited record sealing, and the department of
7 criminal justice information services shall include the date of a person's release from a house of
8 corrections, prison, or jail for any offense as part of criminal offender record information if the
9 date is known to the department.

10 SECTION 2. Section 18 ³/₄ of chapter 6A of the General Laws, as so appearing, is hereby
11 amending by inserting after the last paragraph the following paragraph:-

(16) Notwithstanding any other provision of this section to the contrary, the secretary shall forthwith establish and implement procedures for the department of correction, any house of corrections and any jail to report on the seventh day of each month to the commissioner of probation the names, personal identifying information, and the actual dates that any person was released from the house of corrections, jail or the department of correction during the prior month and also shall provide such information as to other dates of past release for other individuals as requested or needed by the commissioner of probation to implement automated and expedited sealing of records, and the inclusion of the dates a person was released from custody or incarceration on criminal offender and juvenile court activity record information reports.

SECTION 3. Section 100A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking the first paragraph and inserting in place thereof the following three paragraphs:-

Notwithstanding any law to the contrary, a person shall not be required to file a petition or other form of a request in order to seal any record of criminal court appearances and dispositions related to a criminal offense in the commonwealth under this section after an applicable waiting period, except as specified within this section. The commissioner of probation shall establish and implement an automated process for sealing of such records. The commissioner shall seal all such records within 30 days of the time that the records became eligible for sealing under this section; provided, however, that sealing of any conviction for a sex offense, as defined in section 178C of chapter 6, shall require that a person with such records file a request for sealing of such convictions with the commissioner on a form provided by the commissioner. In the event that records of any offense required to be sealed under this section

without a request are not sealed due to an error or omission or lack of availability of a court record based on the age of said record, a person with such records shall not be precluded from seeking relief, and the commissioner of probation shall seal such records forthwith upon receipt of any request to seal said record from the person or the person's legal representative.

The commissioner of probation shall provide all defendants at the time of a conviction or other disposition of their offense or offenses with a notice that the offense or offenses may be sealed in the future without the necessity of filing a petition to seal the records, a brief summary of the sealing law, and a list of resources related to sealing of records. The clerk's office of any division of the trial court, the commissioner of probation, and any other criminal justice agency, upon request of a person whose records are sealed, or the person's legal representative, shall provide access to the sealed records to the person or the person's legal representative without said person, or legal representative obtaining a court order or having to unseal the records.

The commissioner of probation shall seal records of any record of criminal court appearances and dispositions related to a criminal offense or offenses in the commonwealth on file with the commissioner provided that: (1) the person's court appearance and court disposition, including any period of incarceration or custody for any misdemeanor record to be sealed occurred not less than 3 years prior to the sealing; (2) the person's court appearance and court disposition, including any period of incarceration or custody for any felony record to be sealed occurred not less than 7 years prior to the sealing; and (3) the person has not been found guilty of any criminal offense in the commonwealth in the case of a misdemeanor, 3 years prior to the sealing, and in the case of a felony, 7 years prior to the sealing. This section shall apply to court appearances and dispositions of all offenses, with the exception of convictions for violations of sections 121 to 129, inclusive, sections 131A to 131D, inclusive, and section 131F of chapter

140, and convictions for violations of chapter 268 and chapter 268A, which are all excluded from sealing, except for convictions for resisting arrest. A person with a possession of marijuana offense that was later decriminalized, is not precluded from seeking earlier and immediate sealing of the records, if the person files a request for such sealing on a form that shall be provided by the commissioner.

SECTION 4. Section 100A of said chapter 276, as so appearing, is hereby amended by inserting after the word “files”, in line 60, the following words: within 30 days of notification of such record sealing.

SECTION 5. Section 100B of said chapter 276, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following two paragraphs: -

Notwithstanding any law to the contrary, a person charged as a delinquent or youthful offender shall not be required to file a petition or other form of request in order to seal any record of criminal court appearances and dispositions related to a juvenile court offense. The commissioner of probation shall establish and implement an automated process for sealing of such records. The commissioner shall seal said records in the commonwealth on file with the commissioner within 30 days after any records become eligible for sealing after the applicable 3-year waiting period. The records shall become eligible for sealing when: (1) any court appearance or disposition including court supervision, probation, commitment or parole for the records to be sealed, terminated not less than 3 years earlier; and (2) said person has not been adjudicated delinquent or as a youthful offender, found guilty of any criminal offense in the trial court of the commonwealth, or been committed as a juvenile or imprisoned within the

commonwealth in the preceding 3 years. In the event that records of any offense required to be sealed under this section without a petition are not sealed due to an error or omission or lack of availability of a court record based on the age of said record, a person with such an offense shall not be precluded from seeking relief, and the commissioner of probation shall seal such records forthwith upon receipt of a request to seal said records from the person or the person's legal representative.

The commissioner of probation shall provide all individuals at the time of an adjudication or other final disposition of their offense or offenses with a notice that the offenses may be sealed in the future without the necessity of filing a petition to seal the records, a brief summary of the sealing law, and a list of resources related to sealing of records. The clerk's office of any division of the trial court, the commissioner of probation, or any other criminal justice agency, upon request of a person whose offense or offenses are sealed, or the person's legal representative, shall provide access to the sealed records to the person or the person's legal representative without said person, attorney or legal representative obtaining a court order or having to unseal the record.

SECTION 6. Section 100B of said chapter 276, as so appearing, is hereby amended by inserting after the word "files", in line 28, the following words:- within 30 days of notification of such record sealing.

SECTION 7. Said section 100B of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 21, 37, 38 and 40, the word "delinquency" each time it appears and inserting in place thereof the following words:- juvenile court

SECTION 8. Said section 100B of said chapter 276, as so appearing, is hereby further amended by striking out in the fourth paragraph the words “a delinquent” and inserting in place thereof the following words:- by the juvenile court

SECTION 9. Section 100Q of chapter 276, as so appearing, is hereby further amended by striking out the words “or section 100B” and inserting in place thereof the following words:- , section 100B or section 100C.

SECTION 10. This act shall take effect 18 months following its passage. The commissioner of probation shall commence the process of sealing records through the automated record sealing process on or before the effective date of this act.

SECTION 11. Notwithstanding any general law or special law to the contrary, as soon as practicable, and not later than 3 months after the effective date of this act, the commissioner of probation shall seal any other records in its computerized database of: (i) all past criminal court appearances and dispositions in the commonwealth on file with the commissioner that are eligible for sealing under section 100A of chapter 276; and (ii) all past juvenile court offenses in the commonwealth on file with the commissioner that are eligible for sealing under section 100B of chapter 276. In the event that records of any offense that is eligible for sealing are not sealed, a person with such records shall not be precluded from seeking other relief, and the commissioner of probation shall seal such records forthwith upon receipt of any request to seal said records from the person or the person’s legal representative.