

HOUSE No. 1737

Substituted by the House, on motion of Mr. Donovan of Lynn, for a Bill to prevent public inspection of delinquency proceedings and records (House, No. 1280). March 15.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT RELATIVE TO THE USE OF INFORMATION AND RECORDS IN CASES OF WAYWARDNESS OR DELINQUENCY.

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. Chapter one hundred and nineteen
2 of the General Laws is hereby amended by striking
3 out section sixty, as appearing in the Tercentenary
4 Edition, and inserting in place thereof the two fol-
5 lowing sections:—

6 *Section 60.* An adjudication of any child as a
7 wayward child or delinquent child under sections
8 fifty-two to fifty-nine, inclusive, or the disposition
9 thereunder of any child so adjudicated, or any evi-
10 dence given in any case arising under said sections,
11 shall not be lawful or proper evidence against such
12 child for any purpose in any proceeding in any court,
13 and records in cases arising against any child under
14 said sections shall not be received in evidence or
15 used in any way in any such proceeding, except in

16 subsequent proceedings for waywardness or delin-
17 quency against the same child and except in im-
18 posing sentence in any criminal proceeding against
19 the same person.

20 *Section 60A.* The records of the court or the
21 superior court on appeal in all cases of waywardness
22 or delinquency arising under sections fifty-two to
23 fifty-nine, inclusive, shall be withheld from public
24 inspection except with the consent of a justice of
25 such court, but the aforesaid records in any such
26 case against a particular child shall be open, at all
27 reasonable times, to the inspection of the child, his
28 or her parent or parents, his or her guardian and his
29 or her attorney.

1 SECTION 2. Section thirteen of chapter thirty-one
2 of the General Laws, as so appearing, is hereby
3 amended by adding at the end the following:— or
4 as to any act of waywardness or delinquency com-
5 mitted before the applicant reached the age of seven-
6 teen, — so as to read as follows:— *Section 13.* Every
7 application shall state under oath the full name, resi-
8 dence and post office address, citizenship, age, place
9 of birth, health and physical capacity, right of prefer-
10 ence as a veteran, previous employment in the public
11 service, occupation and residence for the previous
12 five years and education of the applicant, and such
13 other information as may be reasonably required
14 relative to his fitness for the public service; but no
15 question shall be asked in such application or in any
16 examination requiring a statement as to any offence
17 committed before the applicant reached the age of
18 sixteen or as to any act of waywardness or delin-
19 quency committed before the applicant reached the
20 age of seventeen.

1 SECTION 3. Section ninety of chapter two hun-
2 dred and seventy-six of the General Laws, as so
3 appearing, is hereby amended by adding at the end
4 the following:— ; provided, that his records in
5 cases arising under sections fifty-two to fifty-nine,
6 inclusive, of chapter one hundred and nineteen shall
7 not be open to inspection without the consent of a
8 justice of his court, — so as to read as follows:—
9 *Section 90.* A probation officer shall not be an ac-
10 tive member of the regular police force, but so far
11 as necessary in the performance of his official duties
12 shall, except as otherwise provided, have all the
13 powers of a police officer, and if appointed by the
14 superior court may, by its direction, act in any part
15 of the commonwealth. He shall report to the court,
16 and his records may at all times be inspected by
17 police officials of the towns of the commonwealth;
18 provided, that his records in cases arising under
19 sections fifty-two to fifty-nine, inclusive, of chapter
20 one hundred and nineteen shall not be open to in-
21 spection without the consent of a justice of his court.

1 SECTION 4. Section one hundred of said chapter
2 two hundred and seventy-six, as so appearing, is
3 hereby amended by inserting after the word “mar-
4 shals” in the twentieth line the following:— ; pro-
5 vided, that such information in cases arising under
6 sections fifty-two to fifty-nine, inclusive, of chapter
7 one hundred and nineteen shall not be open to in-
8 spection without the consent of the board, — so as
9 to read as follows:— *Section 100.* Every probation
10 officer, or the chief or senior probation officer of a
11 court having more than one probation officer, shall
12 transmit to the board of probation, in such form and
13 at such times as it shall require, detailed reports

14 regarding the work of probation in the court, and
15 trial justices shall transmit to the board reports of
16 cases coming before them in such form and at such
17 times as the board may require, and the commis-
18 sioner of correction, the penal institutions commis-
19 sioner of Boston and the county commissioners of
20 counties other than Suffolk shall transmit to the
21 board, as aforesaid, detailed and complete records
22 relative to all paroles and permits to be at liberty
23 granted or issued by them, respectively, to the re-
24 voking of the same and to the length of time served
25 on each sentence to imprisonment by each prisoner so
26 released specifying the institution where each such
27 sentence was served; and under the direction of the
28 board a record shall be kept of all such cases as the
29 board may require for the information of the justices
30 and probation officers. Police officials shall co-
31 operate with the board and the probation officers in
32 obtaining and reporting information concerning per-
33 sons on probation. The information so obtained and
34 recorded shall be accessible at all times to the jus-
35 tices and officers of the courts, to the police commis-
36 sioner of Boston, and to all chiefs of police and city
37 marshals; provided, that such information in cases
38 arising under sections fifty-two to fifty-nine, inclu-
39 sive, of chapter one hundred and nineteen shall not
40 be open to inspection without the consent of the
41 board. The commissioner of correction and the
42 department of public welfare shall at all times give
43 to the board and the probation officers such informa-
44 tion as may be obtained from the records concerning
45 prisoners under sentence or who have been released.