

# SENATE . . . . No. 288

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To accompany the petition of James J. Twohig and Joseph Finnegan that items relating to certain charges and offences be excluded from civil service and probation records. Civil Service.

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## The Commonwealth of Massachusetts

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

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An Act excluding from Civil Service and Probation Records Items relating to Certain Charges and Offences.

*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 thirteen of chapter thirty-  
2 one of the General Laws, as amended by chapter  
3 two hundred and forty-two of the acts of nine-  
4 teen hundred and thirty, is hereby further  
5 amended by adding thereto the following:—  
6 , or as to any charge or offence as to which the  
7 applicant was found not guilty or which was  
8 placed on file by the court or justice, or as to any  
9 offence enumerated in the proviso contained in  
10 section seventeen, — so as to read as follows:—

11 *Section 13.* Every application shall state un-  
12 der oath the full name, residence and post office  
13 address, citizenship, age, place of birth, health

14 and physical capacity, right of preference as a  
15 veteran, previous employment in the public  
16 service, occupation and residence for the previous  
17 five years and education of the applicant, and  
18 such other information as may be reasonably  
19 required relative to his fitness for the public  
20 service; but no question shall be asked in such  
21 application or in any examination requiring a  
22 statement as to any offence committed before  
23 the applicant reached the age of sixteen, or  
24 as to any charge or offence as to which the ap-  
25 plicant was found not guilty or which was placed  
26 on file by the court or justice, or as to any offence  
27 enumerated in the proviso contained in section  
28 seventeen.

1 SECTION 2. Section one hundred of chapter  
2 two hundred and seventy-six of the General Laws,  
3 as most recently amended by section one of  
4 chapter one hundred and seventy-nine of the  
5 acts of nineteen hundred and twenty-nine, is  
6 hereby further amended by inserting after the  
7 word "officers", in the seventeenth line, the  
8 following:— No such record or report shall be  
9 transmitted to the board which contains any  
10 reference to any charge or offence as to which a  
11 defendant was found not guilty or which was  
12 placed on file by the court or justice or as to any  
13 offence described in clause (1) or (2) of the pro-  
14 viso contained in section seventeen of chapter  
15 thirty-one, — so as to read as follows:—*Sec-*  
16 *tion 100.* Every probation officer, or the chief

17 or senior probation officer of a court having more  
18 than one probation officer, shall transmit to the  
19 board of probation, in such form and at such  
20 times as it shall require, detailed reports regard-  
21 ing the work of probation in the court, and the  
22 commissioner of correction, the penal institu-  
23 tions commissioner of Boston and the county  
24 commissioners of counties other than Suffolk  
25 shall transmit to the board, as aforesaid, detailed  
26 and complete records relative to all paroles and  
27 permits to be at liberty granted or issued by them,  
28 respectively, to the revoking of the same and to  
29 the length of time served on each sentence to  
30 imprisonment by each prisoner so released speci-  
31 fying the institution where each such sentence  
32 was served; and under the direction of the board  
33 a record shall be kept of all such cases as the  
34 board may require for the information of the  
35 justices and probation officers. No such record  
36 or report shall be transmitted to the board which  
37 contains any reference to any charge or offence  
38 as to which a defendant was found not guilty or  
39 which was placed on file by the court or justice,  
40 or as to any offence described in clause (1) or (2)  
41 of the proviso contained in section seventeen of  
42 chapter thirty-one. Police officials shall co-  
43 operate with the board and the probation officers  
44 in obtaining and reporting information concern-  
45 ing persons on probation. The information so  
46 obtained and recorded shall be accessible at all  
47 times to the justices and officers of the courts, to  
48 the police commissioner of Boston, and to all

49 chiefs of police and city marshals. The commis-  
50 sioner of correction and the department of public  
51 welfare shall at all times give to the board and  
52 the probation officers such information as may  
53 be obtained from the records concerning prison-  
54 ers under sentence or who have been released.