

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 1, 1978.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 588) of John F. Aylmer for legislation to authorize the use of criminal files by certain authorities; the petition (accompanied by bill, Senate, No. 639) of Arthur Joseph Lewis, Jr., and G. Peter Bagley for legislation to require criminal information to be returned upon non-conviction; the petition (accompanied by bill, Senate, No. 1372) of William M. Bulger and Garrett H. Byrne for legislation relative to access to criminal offender record information; the petition (accompanied by bill, House, No. 2399) of the Mass. Chiefs of Police Association that provision be made for access to criminal history information for heads of police departments; the petition (accompanied by bill, House, No. 2400) of the Mass. Chiefs of Police Association that certain records of arrest and convictions be made available to appointing authorities and police service; the petition (accompanied by bill, House, No. 2585) of Raymond L. Flynn for legislation to authorize the dissemination of criminal record information for employment purposes to certain schools and hospitals within the Commonwealth relative to certain crimes against minor children; the petition (accompanied by bill, House, No. 3128) of Edward P. Coury for legislation to authorize public officials to have access to certain personal records; and the petition (accompanied by bill, House, No. 3132) of Peter F. Harrington and the National Commission on Law Enforcement and Social Justice relative to the Fair Information Practice Act, reports recommending that the accompanying bill (House, No. 5890) ought to pass.

For the committee,

MICHAEL F. FLAHERTY

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE DISSEMINATION OF CRIMINAL RECORD INFORMATION FOR EMPLOYMENT PURPOSES TO CERTAIN SCHOOLS AND HOSPITALS WITHIN THE COMMONWEALTH AS IT RELATES TO CERTAIN CRIMES AGAINST MINOR CHILDREN.

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 172 of chapter 6 of the General Laws is hereby amended
2 by striking out the first paragraph, as appearing in section 1 of
3 chapter 805 of the acts of 1972, and inserting in place thereof the
4 following paragraph:—

5 Criminal offender record information shall be disseminated,
6 whether directly or through any intermediary, only to (a) criminal
7 justice agencies, (b) such other individuals and agencies as are
8 authorized access to such records by statute, and (c) to the
9 superintendent of schools of any city, town or school district or the
10 administrator of a hospital, either public or private within the
11 commonwealth, as it relates to a conviction for an offense upon a
12 minor child under section thirteen B, thirteen F, fourteen, fifteen,
13 twenty-two, twenty-two A, twenty-three, twenty-four, twenty-four
14 B or twenty-six of chapter two hundred and sixty-five of the
15 General Laws and any violation of chapter ninety-four C of the
16 General Laws; for the sole purpose of determining the fitness of a
17 person for employment in a school or hospital, (d) to the police
18 chief of each city or town, the commissioner of public safety, the
19 superintendent of the metropolitan district commission police, the
20 chief of the capitol police and the chief of the Massachusetts Bay
21 Transportation Authority police and they may make such
22 information available to elected or appointed public officials who
23 are charged with the duty of appointing public officers or
24 employees.