
Substituted by the House, on motion of Mr. Kollios of Millbury, for a Bill relative to criminal offenders records (House, No. 4906, amended).
November 8.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT FURTHER REGULATING THE DISSEMINATION OF CRIMINAL
OFFENDER RECORD INFORMATION.

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 6 of the General Laws is hereby
2 amended by inserting after section 172B the following section:—

3 Section 172C. Notwithstanding the provisions of section one
4 hundred and seventy-two or any other law to the contrary, crim-
5 inal offender record information shall be available to any agency,
6 home care corporation, established under the provisions of chapter
7 nineteen A, municipality, or other entity receiving federal, state or
8 local funds that employs, hires volunteers, or refers for employ-
9 ment to a client any individual who will provide care, treatment,
10 education, training, transportation, delivery of meals, instruction,
11 counseling, supervision, recreation, or other services in the home
12 or in a community based setting for any elderly or disabled
13 person, including any direct or indirect contact with clients or
14 access to clients' files. Said agency, corporation, municipality or
15 other entity shall obtain conviction data and arrest data from the
16 board as a condition of employment of any person. For purposes
17 of this section the term "agency" shall include, but not be limited
18 to, home health agencies certified under Title XVIII of the Social
19 Security Act which provide homemaker, home health aide, com-
20 panion and other community based services to elderly and dis-
21 abled persons in community or home settings.

22 A ten dollar fee for each request made hereunder shall be
23 assessed by the board and shall be the only fee assessed for the

24 aforesaid information; provided, however, that the board may
25 waive the fee for any agency, corporation, municipality or other
26 entity which meets the guidelines established by the board. Any
27 agency, corporation, municipality or other entity obtaining infor-
28 mation under this section shall not make, and shall prohibit, any
29 dissemination of such information, for any purpose other than as
30 set forth herein, including, but not limited to, dissemination
31 among and between any such agency, corporation, municipality or
32 other entity.

1 SECTION 2. No agency, home care corporation, municipality
2 or other entity, as described in section one hundred and seventy-
3 two C of chapter six of the General Laws, shall be required to
4 obtain data as a condition of employment, in accordance with the
5 provisions of said section one hundred and seventy-two C on a
6 person who is employed or volunteering on the effective date of
7 this act, in a position or capacity referred to in said section one
8 hundred and seventy-two C.