

SENATE. No. 1830

The Commonwealth of Massachusetts

SENATE, June 26, 1997.

The committee on Public Safety, to whom was referred the petition (accompanied by bill, Senate, No. 1126) of James P. Jajuga for legislation relative to operators of school buses; and the message from His Excellency the Governor recommending legislation relative to providing for access to criminal offender record information in evaluating licensees and applicants for license to operate school buses (House, No. 4398), reports the accompanying bill (Senate, No. 1830).

For the committee,

JAMES P. JAJUGA.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR ACCESS TO 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 amended
2 by inserting after section 172C, as added by section 1 of
3 chapter 444 of the acts of 1996, the following new section:—
4 Section 172D. Notwithstanding any provision of section one
5 hundred seventy-two of this chapter, of section one hundred A of
6 chapter two hundred seventy-six, or of any other provision of law
7 and in order to further the protection of school children, the regis-
8 trar of motor vehicles, the chairman of the department of public
9 utilities, or their respective designees shall, in exercising their
10 licensing authority over school bus operators under sections
11 eight A and eight A and one-half of chapter ninety and any related
12 provision of law, have access to criminal offender record informa-
13 tion, equivalent to the access accorded by the criminal history
14 systems board to a criminal justice agency. Said criminal offender
15 record information shall include, but is not limited to, conviction
16 data, pending criminal case data, non-conviction data, juvenile
17 arrest or delinquency data and notation of the existence of a sealed
18 criminal record. The registrar of motor vehicles, the chairman of
19 the department of public utilities, or their respective designees
20 may employ such criminal offender record information to evaluate
21 the good character and moral fitness of any applicant for an
22 original school bus license or license renewal or of any current
23 licensee for suspension or revocation of license. The registry of
24 motor vehicles and the department of public utilities shall not
25 disseminate such information for any purpose other than as set
26 forth herein and shall protect such information from unauthorized
27 disclosure.

1 SECTION 2. Section 100A of chapter 276 of General Laws, as
2 appearing in the 1994 Official Edition, is hereby amended by
3 striking out, in line 1, the word “Any” and inserting in place
4 thereof the following words:— Subject to the provisions
5 of section one hundred seventy-two D of chapter 6 and sections
6 eight A and eight A and one-half of chapter ninety, any.

1 SECTION 3. Section 100A of chapter 276 of the General Laws,
2 as appearing in the 1994 Official Edition, is hereby amended by
3 inserting after the word “applies”, in line 21, the following
4 sentence:— No action taken pursuant to this section to seal a
5 criminal record shall operate to deny access to a sealed criminal
6 record by the registrar of motor vehicles, the chairman of the
7 department of public utilities, or their respective designees under
8 the terms of section one hundred seventy-two D of chapter six or
9 in enforcing the provisions of sections eight A and eight A and
10 one-half of chapter ninety.

1 SECTION 4. Section 100A of chapter 276 of the General Laws,
2 as appearing in the 1994 Official Edition, is hereby amended by
3 inserting after the word “proceedings”, in the line 52, the
4 following sentence:— and in licensing action taken pursuant to
5 sections eight A and eight A and one-half of chapter ninety.

1 SECTION 5. Within ninety days of the effective date of
2 this act, the registry of motor vehicles and the department of
3 public utilities shall adopt procedures for protecting criminal
4 offenders record information obtained in accordance with sec-
5 tions 1 through 4 of this act and shall transmit a copy of such
6 procedures and any amendments thereto to the secretary of the
7 executive office of public safety in the case of the registry and
8 director of the office of consumer affairs and business regulation
9 in the case of the department.

