

HOUSE No. 1434

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1434) of Viriato Manuel deMacedo and others relative to creating Internet access to certain criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act enhancing public safety by establishing a criminal offender database.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|-------------------|
| Viriato Manuel deMacedo | 1st Plymouth |
| Bradley H. Jones, Jr. | 20th Middlesex |
| George N. Peterson, Jr. | 9th Worcester |
| Elizabeth Poirier | 14th Bristol |
| Paul K. Frost | 7th Worcester |
| Susan Williams Gifford | 2nd Plymouth |
| Bradford R. Hill | 4th Essex |
| Richard J. Ross | 9th Norfolk |
| Todd M. Smola | 1st Hampden |
| Robert S. Hargraves | 1st Middlesex |
| Daniel K. Webster | 6th Plymouth |

The Commonwealth of Massachusetts

—
In the Year Two Thousand and Nine
—

AN ACT ENHANCING PUBLIC SAFETY BY ESTABLISHING A CRIMINAL OFFENDER
DATABASE.

*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 167 of chapter 6 of the General Laws, as appearing in the 2004 Official
2 Edition, is amended by adding the following text after the word "incarceration" in line 28: —
3 Notwithstanding the foregoing provisions, conviction information as well as custody status
4 records, including information as to placement within the correctional system, shall be a public
5 record available to the public for any purpose, to be accessible on the Internet in accordance with
6 section 182 of this chapter, provided the following: (a) that conviction information shall also be
7 available by writing to the board; (b) that no information shall be disclosed that identifies
8 families members, friends, medical or psychological history, or any other personal information
9 unless such information is directly relevant to such release or custody placement decision; and
10 (c) that no information shall be provided if its release would violate any other state or federal
11 law.

12 SECTION 2. Said section 167 of said chapter 6 of the General Laws, as so appearing, is hereby
13 further amended by adding the following new definition: — "Conviction information" shall
14 mean criminal offender record information, which has not been sealed or purged, and which
15 discloses that a person has pleaded guilty or nolo contendere to, or was convicted of any criminal
16 offense, and the information as to the individual's current status within the criminal justice
17 system, including, but not limited to, information as to whether the individual has been released
18 from custody due to service of sentence, parole or probation, or if incarcerated, the individual's
19 placement within the correctional system. Cases ending in the disposition of continued without a
20 finding shall not be considered a conviction.

21 SECTION 3. Section 168 of said chapter 6 of the General Laws, as so appearing, is hereby
22 amended by adding the following paragraph after the fourth paragraph: — The board shall
23 establish and maintain a criminal offender database, so-called, that shall be accessible to the
24 public on the internet. Said database shall consist of conviction information, and be searchable,

25 at a minimum, by name, town and offense. The database shall also consist of information as to
26 whether the offender is currently released from custody, on parole or probation, or if the offender
27 is incarcerated, his or her placement within the correctional system.

28 SECTION 4. Section 168A of said chapter 6 of the General Laws, as so appearing, is hereby
29 amended by striking out the second paragraph in its entirety.

30 SECTION 5. Section 172 of said chapter 6 of the General Laws, as so appearing, is hereby
31 amended by adding the following words after the word "information" in line 3: — with the
32 exception of conviction information, which shall be a public record,

33 SECTION 6. Said section 172 of said chapter 6 of the General Laws, as so appearing, is hereby
34 further amended by adding the following words after the word "information" in line 57: — with
35 the exception of conviction information, which shall be a public record,

36 SECTION 7. Said section 172 of said chapter 6 of the General Laws, as so appearing, is hereby
37 further amended by striking out the seventh paragraph, contained in lines 97 through 112, in its
38 entirety, and inserting in place thereof the following paragraphs: —

39 Notwithstanding the foregoing provisions, conviction information shall be public record to be
40 accessible to the general public on the internet, in accordance with section 168 of this chapter
41 provided the following: (a) that conviction information shall also be available by writing to the
42 board; (b) that no information shall be disclosed that identifies families members, friends,
43 medical or psychological history, or any other personal information unless such information is
44 directly relevant to such release or custody placement decision; and (c) that no information shall
45 be provided if its release would violate any other state or federal law.

46 The parole board, except as required by section 130 of chapter 127, the department of
47 correction, a county correctional authority, or probation department with the approval of a justice
48 to the appropriate division of the trial court, may, in its discretion, make available a summary,
49 which may include references to evaluative information, concerning a decision to release an
50 individual on a permanent or temporary basis, to deny such release, or to change his custody
51 status.

52 SECTION 8. Section 173 of said chapter 6 of the General Laws, as so appearing, is hereby
53 amended by adding the following words after the word "information" in line 2: — with the
54 exception of conviction information, which shall be a public record,

55 SECTION 9. Said section 173 of said chapter 6 of the General Laws, as so appearing, is hereby
56 further amended by striking out the words "shall require preservation of the anonymity of the
57 individuals to whom such information relates" in lines 3 and 4.

58 SECTION 10. Said section 173 of said chapter 6 of the General Laws, as so appearing, is hereby
59 further amended by adding the following words after the word "information" in line 12: — with
60 the exception of conviction information, which shall be a public record.