SENATE DOCKET, NO. 1219 FILED ON: 1/20/2011

# SENATE . . . . . No. 793

The Commonwealth of Massachusetts

PRESENTED BY:

***Brian A. Joyce***

*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:

An Act mandating that offenses for which a pardon has been granted be expunged from Criminal Offender Record Information Reports.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Brian A. Joyce* | *Norfolk, Bristol, and Plymouth* |

SENATE DOCKET, NO. 1219 FILED ON: 1/20/2011

# SENATE . . . . . No. 793

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 793) of Brian A. Joyce for legislation to mandate that offenses for which a pardon has been granted be expunged from criminal offender record information reports. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1721* OF 2009-2010.]

## The Commonwealth of Massachusetts

An Act mandating that offenses for which a pardon has been granted be expunged from Criminal Offender Record Information Reports.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 172 of chapter 6 of the General Laws is hereby amended by adding the following paragraph: - If a petition for a pardon is granted pursuant to section 152 of chapter 127, the board shall cause such petitioner's record in the criminal offender record information system to be expunged of any reference or information, including the granting of a pardon, relative to the offense for which the petitioner has been pardoned. Upon request, the board shall provide a copy of such amended report to the recipient of such pardon. Upon a showing that the pardoned person may be or has been subject to an adverse decision because of the dissemination of a criminal offender record containing information relative to the offense for which a pardon has been granted, the board shall provide a copy of the amended criminal offender record to any person or agency before which a decision is pending or may be reconsidered. If a pardon is subsequently revoked, pursuant to said section 152 of said chapter 127, the board shall cause the record of such person to be amended in the criminal offender record information system and such amended record may be exchanged, disseminated and distributed consistent with this paragraph.

SECTION 2. Notwithstanding any general or special law or rule or regulation to the contrary, within 180 days after the effective date of this act, the criminal history systems board shall cause the criminal offender record information of any person pardoned before the effective

18 date of this act to be expunged of any reference or information, including the granting of a
19 pardon, from the criminal offender record information system relative to the offense for which
20 the pardon was granted. Upon request, the board shall provide a copy of such amended report to
21 the recipient of the pardon. Upon a showing that the pardoned person may be or has been
22 subject to an adverse decision because of the dissemination of a criminal offender record
23 containing information relative to the offense for which a pardon has been granted, board shall
24 provide a copy of the amended criminal offender record to any person or agency before which a
25 decision is pending or may be reconsidered.