

**HOUSE . . . . . No. 1434**

**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

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1509 OF 2007-2008.]

## 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.