

SENATE No. 393

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 adoption of the accompanying bill:

An Act relative to strengthening background checks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/22/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/17/2021</i>

SENATE No. 393

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 393) of Walter F. Timilty, James M. Murphy and Hannah Kane for legislation to strengthen the background checks process. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 342 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to strengthening background checks.

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. Subsection (a) of section 7 of chapter 15D of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by adding the following paragraphs:-

3 (iv) As part of the department’s licensing and background record check process, the
4 department shall enter into an interagency service agreement with the disabled persons protection
5 commission established by section 2 of chapter 19C to allow for the sharing of information
6 resulting from investigations of allegations of abuse or neglect pursuant to section 5 of said
7 chapter for present or prospective employees or other persons providing child care or support
8 services with the potential for unsupervised contact with children in any program or facility
9 licensed, approved or funded by the department. The disabled persons protection commission
10 shall be responsible for notifying the department of any complaints or serious incidents that may

11 impact the health and safety of any resident at facilities licensed by the department pursuant to
12 606 CMR 3.03 and 606 CMR 7.03.

13 (v) As part of the department's licensing and background check process, the department
14 shall maintain an interagency service agreement with the department of children and families
15 established by section 1 of chapter 18B to allow for the sharing of information resulting from
16 investigations of abuse or neglect pursuant to sections 51A and 51B of chapter 119 for current or
17 prospective employees or other persons providing child care or support services with the
18 potential for unsupervised contact with children in any program funded, operated, approved or
19 licensed by the department.

20 SECTION 2. Section 38R of chapter 71 of the General Laws, as appearing in the 2016
21 Official Edition, is hereby amended by inserting after the first paragraph the following
22 paragraphs:-

23 The department shall enter into an interagency service agreement with the disabled
24 persons protection commission established by section 2 of chapter 19C to allow for the sharing
25 of information resulting from investigations of allegations of abuse or neglect pursuant to section
26 5 of said chapter for any current or prospective employee within the school district or any
27 program or facility approved or funded by the department who may have direct and unmonitored
28 contact with children. The disabled persons protection commission shall be responsible for
29 notifying the department of any complaints or serious incidents that may impact the health and
30 safety of any student at schools licensed by the department pursuant to 603 CMR 28.09 or public
31 school districts.

32 The department shall enter into an interagency service agreement with the department of
33 children and families established by section 1 of chapter 18B to allow for the sharing of
34 information resulting from investigations of abuse or neglect pursuant to sections 51A and 51B
35 of chapter 119 for current or prospective employees or other persons who may have direct and
36 unmonitored contact with children in a school district or any program or facility approved or
37 funded by the department.