

**SENATE . . . . . No. 2457**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William N. Brownsberger***

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*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 sealing of records pursuant to Section 100C of Chapter 276.

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PETITION OF:

NAME:

*William N. Brownsberger*

DISTRICT/ADDRESS:

*Second Suffolk and Middlesex*

**SENATE . . . . . No. 2457**

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By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 2457) (subject to Joint Rule 12) of William N. Brownsberger for legislation relative to sealing of records pursuant to Section 100C of Chapter 276. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to sealing of records pursuant to Section 100C of Chapter 276.

*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 100C of Chapter 276, as appearing in the 2018 Official Edition, is  
2 hereby amended in the third paragraph by adding the following after “political subdivision  
3 thereof”:-

4           ; nor shall such sealed records be admissible in evidence or used in any way in any court  
5 proceedings or hearings before any boards or commissions, except in imposing sentence in  
6 subsequent criminal proceedings to the extent provided in the second sentence of the fifth  
7 paragraph of this section, and except that in any proceedings under sections 1 to 39I, inclusive,  
8 of chapter 119, sections 2 to 5, inclusive, of chapter 201, chapters 208, 209, 209A, 209B, 209C,  
9 or sections 1 to 11A, inclusive, of chapter 210, a party having reasonable cause to believe that  
10 information in a sealed criminal record of another party may be relevant to (1) an issue of  
11 custody or visitation of a child, (2) abuse, as defined in section 1 of chapter 209A or (3) the  
12 safety of any person may upon motion seek to introduce the sealed record into evidence. The

13 judge shall first review such records in camera and determine those records that are potentially  
14 relevant and admissible. The judge shall then conduct a closed hearing on the admissibility of  
15 those records determined to be potentially admissible; provided, however, that such records shall  
16 not be discussed in open court and, if admitted, shall be impounded and made available only to  
17 the parties, their attorneys and court personnel who have a demonstrated need to receive them.

18 SECTION 2. Chapter 276 of the General Laws is hereby amended by striking out  
19 sections 100Q and 100T, as created by section 195 of chapter 69 of the acts of 2019, and  
20 inserting in place thereof the following 2 sections:-

21 Section 100Q. Unless otherwise provided by law, no person shall make records sealed  
22 pursuant to section 100A, section 100B or section 100C available for inspection in any form by  
23 any person. No person shall make records expunged pursuant to section 100F, section 100G,  
24 section 100H or section 100K available for inspection in any form by any person.

25 Section 100T. Upon sealing a record pursuant to section 100A, section 100B or section  
26 100C or upon receipt of an order of expungement pursuant to section 100F, section 100G,  
27 section 100H or section 100K the commissioner of the department shall notify the Federal  
28 Bureau of Investigation and the United States Department of Justice of said sealing or  
29 expungement and shall request said Federal Bureau of Investigation and the United States  
30 Department of Justice seal or expunge the record.