

606 CMR 14.00: CRIMINAL OFFENDER AND OTHER BACKGROUND RECORD CHECKS

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#### 14.01: Purpose

The purpose of 606 CMR 14.00 is to establish standardized procedures for Department of Early Education and Care (EEC) licensed, approved and/or funded programs regarding the review of criminal records and other background information of candidates under consideration for employment or regular volunteer positions. The Department of Criminal History Justice Information Systems Services Board (CHSBDCJIS) has authorized EEC and some EEC licensed, approved and/or funded programs to receive criminal record information regarding present or prospective employees in any program funded or operated by such agencies. ~~In addition, The Department of Children and Families (DCF, formerly the Department of Social Services (DSS))~~ has entered into an Interagency Service Agreement (ISA) with the Department of Early Education and Care regarding the sharing of information resulting from investigations of allegations of abuse or neglect of a child, pursuant to M.G.L. c. 119, §§51A and 51B. In addition, the Massachusetts General Court has required EEC to conduct Sex Offender Registry Information (SORI) checks and fingerprint-based checks of state and national criminal history databases for present or prospective employees or other persons providing child care or support services with the potential for unsupervised contact with children in any program or facility licensed, approved, or funded by EEC. These regulations shall supersede any and all current EEC regulations that specify the age of an individual upon whom a CORI, or any other type of background record check, is to be performed.

#### 14.02: Policy

In order to ensure that employees or other persons regularly providing child care or support services with potential for unsupervised contact with children in any program or facility licensed and/or funded by EEC are appropriate for serving in their positions, a Background Record Check (BRC) Criminal Offender Record Information (CORI) check and a DSS Background Record Check shall be performed on all candidates for positions in such programs or facilities, as provided in 606 CMR 14.00. A BRC shall consist of, at a minimum, a Massachusetts Criminal Offender Record Information (CORI) check; a DCF Background Record Check; a SORI check and a fingerprint-based check of state and national criminal history databases. Further, a ~~Criminal Offender Record Information (CORI) check and a DSS~~ Background Record Check shall be performed periodically, but no less often than every three years, on all persons in such positions. It is the policy of EEC that convictions of certain crimes, and certain other conduct, pose an unacceptable risk to the children served by EEC and its licensed and/or funded programs. 606 CMR 14.00 sets forth minimum standards for review of background information. Stricter standards may be set by EEC licensed and/or funded programs. While effective immediately, EEC shall implement the provisions of 606 CMR 14.00 in phases. EEC shall issue implementation procedures with timetables for such implementation.

#### 14.03: Scope

606 CMR 14.00 applies to candidates seeking licensure, employment, internships or regular volunteer positions, and to incumbent licensees, employees, interns and regular volunteers, in positions that may include unsupervised contact with children at EEC and its licensed and/or funded programs; ~~and~~ to persons seeking approval as foster parents; to EEC-funded caregivers; and to persons providing transportation services on behalf of any department EEC-licensed or funded program. In the case of an adoptive parent applicant, licensed adoption agencies ~~should use~~ must comply with the provisions of 606 CMR 14.00 ~~as guidelines~~; however, adoption agencies retain discretion over approval of adoptive parent applicants regardless of the ~~CORI or DSS~~ Background Record Check findings. If an adoption agency does not follow 606 CMR 14.00 in making a decision in an adoptive parent application, the agency must document its reasoning for not so doing.

#### 14.04: Authority

606 CMR 14.00 is promulgated pursuant to ~~M.G.L. c.28A §§1 and 3 and~~ M.G.L. c.15D, §§ 3, 7 and 8.

#### 14.05: Definitions

Background Record Check: The process of requesting, receiving and evaluating information provided by the Department of Criminal Justice Information Services, the Department of Children and Families, the Sex Offender Registry Board, and state and national criminal history databases related to candidates for a position with EEC or an EEC licensed, approved and/or funded program.

Background Record Check Cleared Employee: Any candidate previously hired as an employee after successfully satisfying the requirements of 606 CMR 14.00.

Candidate: Any person seeking employment, or a position as a regular intern or volunteer, or any person currently employed or serving as a regular intern or volunteer, to provide services for or on behalf of EEC or its licensed and/or funded programs and who has the potential for unsupervised contact with children; any applicant for a family child care, ~~family child care plus, or large family child care~~ licenses, all their household members who are 15 years of age ~~and or~~ older, all persons 15 years of age or older regularly on their premises, and applicants for approval as certified or regular assistants, applicants to provide in-home, non-relative subsidized child care; and applicants for approval as foster or adoptive parents, all their household members who are 15 years of age or older and all regular visitors who are 15 years of age or older.

Central Registry: A ~~DSS~~DCF registry of information sufficient to identify children whose names are reported to ~~DSS~~DCF pursuant to M.G.L. c. 119, §§51A

and 51B. The Central Registry also contains information on the parent(s) of the identified children, the identity of the person identified as responsible for the alleged abuse or neglect of the identified child, the nature of the allegations, the outcome of the 51A screening process, and the outcome of the 51B investigation.

Criminal Justice Official: Either the candidate's probation officer, parole officer or correctional facility superintendent (or designee), depending upon whomever had the most recent responsibility for supervision of the candidate. In cases where the candidate was last supervised in a correctional facility, the candidate may advise the hiring authority of any employee of the correctional facility who may have specific information about the candidate that would assist the superintendent or designee in his/her assessment process.

Criminal Offender Record Information (CORI): Information regulated by the ~~Criminal History Systems Board and maintained by the Board of Probation~~ Department of Criminal Justice Information Services regarding the criminal histories of persons within the Massachusetts Court system.

Department of Criminal Justice Information Services (DCJIS): an Executive Office of Public Safety and Security agency, DCJIS maintains and provides information from the Commonwealth's criminal systems.

DCF Background Record Check: A check of the Department of Children and Families' Central Registry and Registry of Alleged Perpetrators to determine if a candidate has been named in either Registry as the person responsible for abuse or neglect of a child in a supported M.G.L. c.119, §51B Report.

Discretionary Disqualification: A candidate shall be ineligible for a position that entails potential unsupervised contact with children in an EEC licensed and/or funded program if he or she has been convicted of or has pending any charge for any crime as described in 606 CMR 14.196: CORI Table B, if he or she has a charge resulting in a non-conviction for any criminal offense ~~listed as described~~ in 606 CMR 14.1619, CORI Table A or CORI Table B, or if he or she has been named as the person responsible for abuse or neglect of a child in a ~~DSSDCF~~ Background Record Check Report provided by the Department of Social Services Children and Families, unless the hiring authority has complied with the provisions of 606 CMR 14.114.

EEC-funded Caregiver: A caregiver who meets the In-Home or Relative standards and requirements established by EEC, and is exempt from EEC licensure because the caregiver either provides care in the child's own home or is a relative of the child, and receives funding directly from EEC to care for a child under such circumstances.

Fingerprint-Based Check: A scan of a candidate's fingerprints submitted to the Federal Bureau of Investigation for matching against state and national criminal

history databases. The results of a fingerprint scan are then returned to the Massachusetts State Police and forwarded to EEC for review and approval.

51A Report: A report filed with the Department of ~~Social Services~~ Children and Families, pursuant to M.G.L. c. 119, §51A, alleging that there is reasonable cause to believe that a child under the age of eighteen (18) has been subject to abuse or neglect.

51B Report: A report prepared pursuant to M.G.L. c. 119, §51B detailing the ~~DSS~~ DCF investigation of allegations of abuse or neglect upon a child and a determination by ~~DSS~~ DCF whether there is reasonable cause to believe a child identified in the report has been, or is at risk of being, abused or neglected. A 51B Report will either support or unsupport the allegations of abuse or neglect.

Hiring Authority: The person legally authorized or designated to make hiring decisions within the affected agency, department, office, program, or facility.

No Record: The conclusion from a CORI search or a fingerprint-based check of state and national criminal history databases that applicable criminal records relating to the candidate have not been found, and from a ~~DSS~~ DCF Background Record Check that applicable records naming the candidate as the person responsible for abuse or neglect of a child have not been found. A finding of “no record” does not necessarily mean, however, that criminal information is not present in the CORI database or that abuse or neglect findings are not present in the ~~DSS~~ DCF databases.

Pending: A criminal offense shall be considered pending if the CORI Report indicates that the offense remains open and without final resolution, including that the case has been continued without a finding. A ~~DSS~~ DCF Background Record Check shall be considered pending if a 51A Report alleging abuse or neglect of a child has been filed with ~~DSS~~ DCF, but the 51B Report resulting from an investigation of the alleged abuse or neglect has not been issued by ~~DSS~~ DCF.

Potential for Unsupervised Contact with Children: A reasonable likelihood of contact with children in an EEC licensed, approved and/or funded program when no other ~~CORI/DSS~~ Background Record Check cleared employee is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas such as elevators, hallways and waiting rooms shall not be considered to have the potential for unsupervised contact for purposes of 606 CMR 14.00. These commonly used areas do not include bathrooms and other isolated areas (not commonly utilized or separated by sight and sound from other staff) that are accessible to children.

Presumptive Disqualification: A category of offenses compiled as 606 CMR 14.1619: CORI Table A or the classification of Level 2 or 3 Sex Offender by the Sex Offender Registry Board, for which conviction of any such offense or sex offender classification results in a presumption of a disqualification for employment or other service that entails the potential for unsupervised contact with children, due to the presumed unacceptable risk posed by the nature of the crime to persons receiving services. A presumptive disqualification shall become a discretionary disqualification only if:

- (a) the candidate's criminal justice official concludes in writing that the candidate, within the position sought, does not pose an unacceptable risk of harm to the persons served by the program, or
- (b) if the criminal justice official has been determined by the hiring authority to be unavailable or has indicated to the hiring authority that he or she has insufficient information to render an assessment, then the hiring authority may, in its sole discretion, seek an assessment of the candidate's risk of harm from a qualified mental health professional and the qualified mental health professional concludes in writing that the candidate, within the position sought, does not, in his or her professional opinion, pose an unacceptable risk of harm to the persons served by the program. Nothing in 606 CMR 14.00 shall require EEC or the hiring authority to seek or pay for an assessment by a qualified mental health professional.

Qualified Mental Health Professional: A psychiatrist, licensed to practice medicine under M.G.L. c. 112, §2, a psychologist, licensed under M.G.L. c. 112, §§118-121, a psychiatric nurse licensed to practice nursing under M.G.L. c. 112, §§74 and 80E, or a licensed independent clinical social worker (LICSW) licensed under M.G.L. c. 112, §§130-132; provided that the psychiatrist, psychologist, psychiatric nurse, or licensed independent clinical social worker has at least 1,000 hours of experience over a minimum of two years involving assessment, treatment, and consultation concerning individuals with behavior that presents a risk of harm to others in the community, in the workplace, in treatment settings, or in correctional facilities; and provided further that the psychiatrist, psychologist, psychiatric nurse or licensed independent clinical social worker has not provided treatment to the candidate.

Registry of Alleged Perpetrators: A component of the DSSDCF Central Registry, which shall contain, if known, the following information regarding the alleged perpetrator: (1) name, (2) date of birth, (3) Social Security Number, (4) gender, (5) address, (6) date of listing in the Registry of Alleged Perpetrators, (7) allegation(s), (8) cross reference to victim, and (9) relationship to victim, as set forth in M.G.L. c. 119, §51F. Pursuant to 110 CMR 4.37, a person shall be included in the Registry of Alleged Perpetrators if the allegations of abuse or neglect of a child were supported in an M.G.L. c. 119, §51B Investigation Report, the report was referred to the district attorney, and there is substantial evidence indicating that the alleged perpetrator was responsible for the abuse or neglect.

Sex Offender: a person who resides, has secondary addresses, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the department of youth services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under section 14 of chapter 123A, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A. For the purposes of these regulations, Sex Offender will refer to those persons classified as a Level 2 or Level 3 Sex Offender.

Sex Offender Registry Board (SORB): an Executive Office of Public Safety and Security agency, SORB classifies, maintains and provides information regarding persons who have been convicted or adjudicated of a sexual offense.

Sex Offender Registry Information (SORI): Information and classifications maintained by the Massachusetts Sex Offender Registry Board regarding persons who have been convicted or adjudicated of a sexual offense. SORI includes the type of sex offense(s) committed, the date(s) of conviction, the sex offender's home and work/school addresses, and identifying information about the sex offender, such as age, height, and weight.

Transportation Services Personnel: Any person who provides transportation services on behalf of any EEC licensed or funded program, whether employed directly by or subcontracted with the licensed or funded program.

Volunteer: Any person who works in an unpaid capacity on a regular basis for an EEC licensed, approved and/or funded program.

#### 14.06: Candidate Disclosure of Criminal Record Information

- (1) All candidates shall complete an application form that contains a section requiring the candidate to disclose:
  - (a) whether or not he or she has been found responsible for the abuse or neglect of a child by the Massachusetts Department of Social Services Children and Families pursuant to a report issued under M.G.L. c. 119 §§ 51A and 51B;
  - (b) whether or not he or she has been found responsible for the abuse or neglect of a child by any state, county, municipal or federal authority;
  - (c) whether or not he or she has a criminal record and what crimes, if any, he or she has been convicted of, consistent with the provisions of M.G.L. c.151B, §4(9).
- (2) The application shall not require a candidate to disclose:

- (a) any finding of non-support in a ~~DSS~~DCF 51B Report;
  - (b) any finding of abuse or neglect by ~~DSS~~DCF that was overturned on appeal;
  - (c) an arrest, detention, or disposition regarding any violation of law in which no conviction resulted; or
  - (d) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace; or
  - (e) any conviction of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting there from, whichever date is later, occurred five or more years prior to the date of such application for employment or such request for information, unless such person has been convicted of any offense within five years immediately preceding the date of such application for employment or such request for information.
- No application for employment shall be considered complete unless the candidate completes this section described above.

#### 14.07: Hiring Authority Responsibilities

(1) The hiring authority shall ensure that each candidate signs a written request for a ~~CORI and DSS~~ Background Record Check investigation as part of his/her application and agrees to the periodic conduct of further ~~CORI and DSS~~ Background Record Check investigations during the course of employment or service with EEC or an EEC licensed, approved and/or funded program. The hiring authority shall also inform the candidate that his or her ~~CORI and DSS~~ Background Record Check information may be utilized by the criminal justice official, qualified mental health professional, hiring authority's CORI Reviewer, or EEC personnel conducting themselves in conformance with 606 CMR 14.00. Such consent and notification shall be included in the hiring authority's employment application form.

(2) The hiring authority shall require as a condition of an offer of employment the satisfactory completion of ~~the CORI and DSS~~ a complete Background Record Check investigation, including -CORI, DCF, SORI and fingerprint-based checks. The hiring authority shall confirm an offer of employment only after the hiring authority receives written confirmation of the following:

- (a) that the CORI investigation and the ~~DSS~~DCF Background Record Check investigation have resulted in a finding of "no record" or after the hiring authority has granted discretionary approval to hire the candidate in accordance with the provisions of 606 CMR 14.~~H~~14;
- (b) that the individual has been approved for hire by EEC following a SORI check~~and~~. The hiring authority shall not permit any candidate to commence employment in a position with the potential for unsupervised contact with children until after the candidate is cleared as a result of a

SORI Check., the CORI and DSS Background Record Check investigations

(c) that the individual has been approved for hire by EEC following a fingerprint-based check of state and national criminal history databases, in accordance with 606 CMR 14.00.

#### 14.08 Background Record Checks for Transportation Service Personnel

(1) Background Record Checks for transportation service personnel who are employees of an EEC-licensed or funded program will be conducted and documented in accordance with the provisions of 606 CMR 14.00 as they relate to candidates for employment with the potential for unsupervised contact with children.

(2) EEC-licensed or funded programs that contract for the provision of transportation services must:

(a) include in their contract provisions for CORI and DCF Background Record Checks for all personnel providing transportation services for the program; and

(b) confirm that a SORI Check and a fingerprint-based check of the state and national criminal history databases have been approved by EEC for all personnel providing transportation services for the program.

#### 14.0809: ~~CORI and DSS~~ Background Record Check Investigations

(1) All candidates shall complete the appropriate ~~CORI and DSS~~ Background Record Check request form.

(2) After the hiring authority makes a preliminary decision to hire or accept the services of an individual, the completed ~~CORI and DSS~~ Background Record Check request form or electronic equivalent shall be forwarded to the EEC CORI Unit.

(3) EEC shall check the names of all persons listed below against the Sex Offender Registry database, prior to employment or licensure and on a periodic basis, to determine if the candidate is classified as a Level 2 or Level 3 Sex Offender:

(a) prospective and current family child care educators, their household members and persons regularly on the premises;

(b) prospective and current family child care assistants;

(c) prospective and current licensees;

(d) prospective and current EEC-approved reviewers;

(e) prospective and current employees, interns and regular volunteers who have the potential for unsupervised contact with children;

(f) individuals who provide transportation services for EEC licensed and/or funded programs;

- (g) applicants to be adoptive or foster parents and their household members; and
- (h) prospective and current EEC-funded caregivers.

~~(34) All CORI and DSSDCF Background Record Check investigations that result in a finding of “no record” shall be transmitted back to the hiring authority. Following EEC’s review and approval of the candidate’s SORI check results, EEC shall notify the hiring authority to direct the candidate to submit to a fingerprint-based check of the state and national criminal history databases, and shall provide sufficient evidence of suitability for hire for 60 business days. A “no record” finding may be used to establish suitability for other positions during this 60-day period.~~

~~(45) All CORI and DSSDCF Background Record Check investigations that show findings of criminal records or that the candidate has been found to be the person responsible for abuse or neglect of a child in a supported DSSDCF 51B Report shall be promptly forwarded to the hiring authority for review consistent with 606 CMR 14.00 and EEC policy.~~

(6) All fingerprint-based check findings shall be transmitted to EEC for review and approval. EEC shall then notify the hiring authority whether an individual has been approved for employment or for an intern or volunteer position.

(7) The frequency of Background Record Checks shall be as follows:

(a) CORI and DCF Background Record Check investigations shall be conducted when an offer of employment or volunteer or intern position is made and BRC approval is the final step in the hiring process. CORI and DCF Background Record Check investigations shall be conducted at least every three years for those employees who have maintained continuous employment with the same employer unless the employer determines a greater frequency. CORI and DCF Background Record Check investigations must be conducted each time a candidate is hired by a new employer.

(b) SORI checks shall be conducted prior to employment or licensure and on a periodic basis for all individuals listed in 606 CMR 14.09(3).

(c) Fingerprint-based checks of state and national criminal history databases shall be conducted every three years. Individuals who fall within the following exceptions must be fingerprinted prior to new or continued employment:

1. Candidates who have resided outside of Massachusetts;
2. Candidates who have disclosed to the hiring authority that new criminal charges have been filed against him/her; and
3. Candidates who have a break of one year or more from working in an EEC licensed, approved and/or funded program.

(58) All hiring authorities shall develop procedures that ensure that EEC can audit compliance with 606 CMR 14.00.

14.0910: Findings from CORI and ~~DSSDCF~~ Background Record Check Investigations

(1) If the CORI and ~~DSSDCF~~ Background Record Check investigations reveal findings of “no record,” the licensee shall direct the candidate to submit to a fingerprint scan ~~may proceed with a decision to hire~~, and must document completion of the CORI and DCF Background Record Check Review in the candidate’s personnel file. The finding of “No Record” must be maintained in a locked, segregated file and shall not be part of the candidate’s personnel file.

(2) If the CORI investigation reveals a “presumptive disqualification” on the candidate’s record, the candidate shall be informed by the hiring authority:

- (a) that he or she is ineligible for employment or a volunteer position where there is potential for unsupervised contact with children in an EEC licensed and/or funded program unless the candidate has been granted discretionary approval pursuant to 606 CMR 14.~~11~~14;
- (b) of the findings of the CORI investigation;
- (c) of his or her right to dispute the accuracy or relevancy of the CORI findings;
- (d) of the process to dispute the accuracy or relevancy of the CORI findings; and
- (e) of the information required to obtain a discretionary review.

(3) If the CORI and/or ~~DSSDCF~~ Background Record Check investigation reveals a “discretionary disqualification” on the candidate’s record, the candidate shall be informed by the hiring authority:

- (a) that he or she is ineligible for employment or a volunteer position where there is potential for unsupervised contact with children in an EEC licensed and/or funded program unless the candidate has been granted discretionary approval pursuant to 606 CMR 14.~~11~~14;
- (b) of the findings of the CORI investigation and/or ~~DSSDCF~~ Background Record Check;
- (c) of his or her right to dispute the accuracy or relevancy of the CORI and/or ~~DSSDCF~~ Background Check findings;
- (d) of the process to dispute the accuracy or relevancy of the CORI or ~~DSSDCF~~ Background Check findings; and
- (e) of the opportunity to submit additional information relevant to a discretionary review.

All ~~DSSDCF~~ Background Record Check findings other than “no record” are considered “discretionary disqualifications”.

(4) If the CORI investigation reveals that the candidate has an outstanding warrant for any offense, or if the DSSDCF Background Record Check investigation reveals a pending 51B investigation, the candidate shall be informed by the hiring authority that he or she is ineligible for any position in an EEC licensed and/or funded program where there is potential for unsupervised contact children unless the warrant is removed or the 51B investigation is completed and results in a finding of unsupport.

(5) If EEC learns that a 51B report has been supported against a family child care licensee, a family child care assistant, and/or an EEC-funded in-home non-relative caregiver, that individual shall immediately stop providing care pending the outcome of a discretionary review pursuant to the provisions of 606 CMR 14.14(3). Should EEC learn that a 51B report has been supported against an employee, volunteer or intern, or transportation provider, that individual shall not be permitted to have any unsupervised contact with children pending the outcome of a discretionary review pursuant to the provisions of 606 CMR 14.14(3).

#### 14.11: Findings from SORI Checks

(1) If the SORI Check is returned to EEC without a finding, EEC shall notify the hiring authority to direct the candidate to submit to a fingerprint scan. The hiring authority shall maintain EEC's approval of the SORI Check in a locked, secure file separate from the candidate's personnel file. If the candidate is hired, the hiring authority must document in the candidate's personnel file the date on which EEC approval was received.

(2) If the SORI Check reveals that a candidate has been classified as a Level 2 and/or Level 3 sex offender, the finding will be treated as a "presumptive disqualification" as set forth in 606 CMR 14.13.

(3) The candidate shall be informed by EEC:

- (a) that he or she is ineligible for employment or a volunteer position where there is potential for unsupervised contact with children in an EEC licensed and/or funded program unless the candidate has been granted discretionary approval pursuant to 606 CMR 14.13;
- (b) of the findings of the SORI check;
- (c) of his or her right to dispute the accuracy or relevancy of the SORI findings;
- (d) of the process to dispute the accuracy or relevancy of the SORI findings; and
- (e) of the information required to obtain a discretionary review.

(4) Should the candidate who has been classified as a Level 2 or Level 3 Sex Offender submit the documentation as set forth in 606 CMR 14.13(1)(a) and it is acceptable to EEC, EEC would then perform a Discretionary Review pursuant to the provisions of 606 CMR 14.14(5).

(5) No candidate may be hired conditionally in any capacity, nor may he/she begin work until the hiring authority receives EEC approval of the SORI check.

(6) Should EEC determine, through an address match, that an individual who is a Level 2 or Level 3 Sex Offender resides in a family child home, EEC will immediately refer this information to its licensing staff for appropriate action against the family child care license or application.

#### 14.12: Findings from Fingerprint-Based Checks

(1) If the fingerprint-based check reveals a finding of “no record,” EEC shall notify the hiring authority of the approval and the hiring authority may confirm employment or hiring of the candidate. The hiring authority shall maintain EEC’s approval of the fingerprint-based check in a locked, secure file separate from the candidate’s personnel file. If the candidate is hired, the hiring authority must document in the candidate’s personnel file the date on which EEC approval was received and must notify EEC of the date on which the candidate began employment.

(2) If the fingerprint-based check reveals a “presumptive disqualification” on the candidate’s record, the candidate shall be informed by EEC:

- (a) that he or she is ineligible for employment or a volunteer position where there is potential for unsupervised contact with children in an EEC licensed, approved and/or funded program unless the candidate has been granted discretionary approval pursuant to 606 CMR 14.13;
- (b) of the findings of the fingerprint-based check;
- (c) of his or her right to dispute the accuracy or relevancy of the fingerprint-based check findings;
- (d) of the process to dispute the accuracy or relevancy of the fingerprint-based check findings; and
- (e) of the information required to obtain a discretionary review.

(3) If the fingerprint-based check reveals a “discretionary disqualification” on the candidate’s record, the candidate shall be informed by EEC:

- (a) that he or she is ineligible for employment or a volunteer position where there is potential for unsupervised contact with children in an EEC licensed and/or funded program unless the candidate has been granted discretionary approval pursuant to 606 CMR 14.14;
- (b) of the findings of the fingerprint-based check;
- (c) of his or her right to dispute the accuracy or relevancy of the fingerprint-based check findings;
- (d) of the process to dispute the accuracy or relevancy of the fingerprint-based check findings; and

(e) of the opportunity to submit additional information relevant to a discretionary review.

(4) The hiring authority may allow a candidate to begin conditional employment and have unsupervised contact with children, if the candidate's SORI Check has been approved by EEC and the candidate's CORI and DCF Background Record Checks have been approved by the hiring authority. Conditional employment of a candidate may occur if the fingerprint-based check of the state and national criminal databases is pending.

(5) If EEC disapproves a candidate or a current employee, intern or volunteer, based upon the findings of the fingerprint-based check of the state and national criminal history databases, the hiring authority shall terminate the employment of the candidate or employee, intern or volunteer within fourteen (14) days of such notice, unless informed by EEC to terminate sooner.

#### 14.1013: Disqualifications

(1) Presumptive Disqualification: A candidate shall be ineligible for employment or a volunteer position in an EEC licensed and/or funded program which has the potential for unsupervised contact with children if he or she has been convicted of any of the crimes listed in 606 CMR 14.1619: CORI Table A, or has any pending charges involving crimes in 606 CMR 14.1619: CORI Table A, or has been classified as a Level 2 or Level 3 Sex Offender, unless:

(a) 1. the candidate's criminal justice official concludes in writing that the candidate, within the position sought in an EEC licensed, approved and/or funded program, does not pose an unacceptable risk of harm to the persons served by the program; or

2. the candidate's criminal justice official has been determined by the hiring authority to be unavailable or has indicated to the hiring authority that he or she has insufficient information to render an assessment, then the hiring authority may, in its sole discretion, seek an assessment of the candidate's risk of harm from a qualified mental health professional and the qualified mental health professional concludes in writing that the candidate, in his or her professional opinion, within the position sought in an EEC licensed, approved and or funded program, does not pose an unacceptable risk of harm to the persons served by the program; and

(b) the hiring authority has granted discretionary approval pursuant to the provisions of 606 CMR 14.1114; and

(c) EEC has granted discretionary approval for hire subsequent to a SORI record check and an FBI check pursuant to the provisions of 606 CMR 14.14.

(2) Discretionary Disqualification.

(a) **CORI Discretionary Disqualifications.** A candidate shall be ineligible for employment, internship or a volunteer position in an EEC licensed, approved and/or funded program that has the potential for unsupervised contact with persons receiving services if he or she has been convicted of or has pending charges involving crimes listed in 606 CMR 14.~~1619~~: CORI Table B, or if he or she has a charge resulting in a non-conviction for any criminal offense listed in 606 CMR 14.~~1619~~, CORI Table A or CORI Table B, unless the hiring authority has granted discretionary approval pursuant to the provisions of 606 CMR 14.~~1414~~(1).

(b) **DSSDCF Background Record Check Discretionary Disqualification.** A candidate shall be ineligible for employment, internship or a volunteer position in an EEC licensed, approved and/or funded program that has the potential for unsupervised contact with persons receiving services if he or she has been named as the person responsible for abuse or neglect of a child in a supported 51B Report unless the hiring authority has granted discretionary approval pursuant to the provisions of 606 CMR 14.~~1414~~(3).

(c) Fingerprint-Based Check Discretionary Disqualification. A candidate shall be ineligible for employment, internship or a volunteer position in an EEC licensed, approved and/or funded program that has the potential for unsupervised contact with persons receiving services if he or she has been convicted of or has pending charges involving crimes listed in 606 CMR 14.19: CORI Table B, or if he or she has a charge resulting in a non-conviction for any criminal offense listed in 606 CMR 14.19, CORI Table A or CORI Table B, unless EEC has granted discretionary approval pursuant to the provisions of 606 CMR 14.14(6).

(3) Nothing in 606 CMR 14.00 shall require EEC or the hiring authority to pay for or seek an assessment of a candidate by a qualified mental health professional.

#### 14.~~1414~~: Provisions for Review of a Candidate in any Discretionary Disqualification Category

(1) **Discretionary Disqualification Based on CORI.** The criminal history of every candidate for whom the CORI investigation reveals a “presumptive disqualification,” who has otherwise met the requirements for further consideration set forth in 606 CMR 14.~~1013~~(1), or a “discretionary disqualification”, shall receive additional review by the hiring authority to determine if the candidate poses an unacceptable risk of harm to children within the position sought. The hiring authority shall inform the candidate of the CORI findings and offer the candidate the opportunity to submit other relevant information. In reviewing the candidate’s appropriateness for employment or other service given the concern for the safety of children, due weight shall be given to the following factors:

- (a) time since the offense or conviction;
- (b) age of the candidate at the time of the offense;
- (c) seriousness and specific circumstances of the offense;

- (d) relationship of the criminal act to the nature of the work to be performed;
- (e) the number of offenses;
- (f) any relevant evidence of rehabilitation or lack thereof; and
- (g) any other relevant information, including information submitted by the candidate.

(2) In reviewing the criminal record of a candidate, the hiring authority may request that the candidate submit additional information, including a letter from the candidate's probation officer, parole officer, or treating professional, or other knowledgeable source, if not already supplied pursuant to 606 CMR 14.4013(1). The hiring authority may also seek additional information from the police, courts, prosecuting attorneys or any other knowledgeable source. Following the review, the hiring authority shall determine whether:

- (a) to continue with the hiring process based upon EEC's approval of a SORI check and direct the candidate to submit to a fingerprint scan; ~~hire the candidate;~~
- (b) to not hire the candidate; or
- (c) to hire the candidate in a different position that does not require unsupervised contact with children.

The hiring authority shall require clear and convincing evidence demonstrating the candidate's appropriateness for employment given the concern for children's safety. The hiring authority shall document, in writing, the reasons for his or her approval of the candidate for the position.

The hiring authority shall maintain a written record, including the rationale for the determination of appropriateness for the position for all candidates for employment or other service for whom CORI records are received. Such information shall be maintained in a locked, segregated file and shall not be part of the candidate's personnel file. The licensee must also document completion of the Background Record Check Review in the candidate's personnel file. Nothing herein shall be construed as preventing the hiring authority from deciding not to hire the candidate for any other reason.

(3) Discretionary Disqualification Based on DSSDCF Background Record Check. The background of every candidate for whom the DSSDCF Background Record Check investigation reveals a "discretionary disqualification" shall receive additional review by the hiring authority to determine if the candidate poses an unacceptable risk of harm to children within the position sought. The hiring authority shall inform the candidate of the findings of the DSSDCF Background Record Check and offer an opportunity for the candidate to submit other relevant information. In reviewing the candidate's appropriateness for employment or other service given the concern for the safety of children, due weight shall be given to the following factors:

- (a) time since the act(s) of abuse or neglect occurred;
- (b) age of the candidate at the time the act(s) of abuse or neglect occurred;
- (c) seriousness and specific circumstances of the abuse or neglect;
- (d) relationship of the specific nature of the abuse or neglect to the nature of the work to be performed;
- (e) the number of abusive or neglectful acts;

- (f) any relevant evidence of changed circumstances, or rehabilitation or lack thereof; and
- (g) any other relevant information, including information submitted by the candidate.

(4) In reviewing the DSSDCF Background Record Check records of a candidate, the hiring authority must review the relevant DSSDCF 51B Report(s) and may also request that the candidate submit additional information, including but not limited to a letter from any knowledgeable source such as the police, courts, prosecuting attorneys, or DSSDCF personnel. Following the review, the hiring authority shall determine whether:

- (a) to ~~hire the candidate~~ continue with the hiring process based upon EEC's approval of a SORI check and direct the candidate to submit to a fingerprint scan;
- (b) to not hire the candidate; or
- (c) to hire the candidate in a different position that does not require unsupervised contact with children.

The hiring authority shall require clear and convincing evidence demonstrating the candidate's appropriateness for employment given the concern for children's safety. The hiring authority shall document, in writing, the reasons for his or her approval of the candidate for the position.

The hiring authority shall maintain a written record, including the rationale for the determination of appropriateness for the position for all candidates for employment or other service for whom DSSDCF Background Record Check records are received. Such information shall be kept in a locked, segregated file and shall not be part of the candidate's personnel file. The hiring authority must also document completion of the Background Record Check Review in the candidate's personnel file. Nothing herein shall be construed as preventing the hiring authority from deciding not to hire the candidate for any other reason.

(5) Discretionary Disqualification Based on SORI. Every candidate for whom the SORI check reveals a "presumptive disqualification," who has otherwise met the requirements for further consideration set forth in 606 CMR 14.13(1), shall receive additional review by EEC to determine if the candidate poses an unacceptable risk of harm to children within the position sought. EEC shall inform the candidate of the SORI findings and offer the candidate the opportunity to submit other relevant information. In reviewing the candidate's appropriateness for employment or other service given the concern for the safety of children, due weight shall be given to the following factors:

- (a) time since the classification as a Sex Offender;
- (b) age of the candidate at the time of the classification;
- (c) whether the candidate was determined to be sexually dangerous;
- (d) seriousness and specific circumstances of the underlying offense(s);
- (e) relationship of underlying the criminal act to the nature of the work to be performed;
- (f) the number of underlying offenses;
- (g) any relevant evidence of rehabilitation or lack thereof; and

(h) any other relevant information, including information submitted by the candidate.

EEC shall require clear and convincing evidence demonstrating the candidate's appropriateness for employment given the concern for children's safety. EEC shall document, in writing, the reasons for its approval of the candidate for the position. After its review of the above, EEC shall notify the candidate and the hiring authority whether or not the candidate is approved for hire based upon the results of the SORI Check.

EEC shall maintain a written record, including the rationale for the determination of appropriateness for the position for all candidates for employment or other service for whom SORI Checks are received. Such information shall be maintained in a locked, segregated file. EEC approval of a candidate for employment or other services for whom SORI Checks are received shall be maintained by the hiring authority and shall not be part of the candidate's personnel file. The hiring authority must also document completion of the Background Record Check Review in the candidate's personnel file. Nothing herein shall be construed as preventing the hiring authority from deciding not to hire the candidate for any other reason.

(6) Discretionary Disqualification Based on the Findings of Fingerprint-Based Checks. The criminal history of every candidate for whom a fingerprint-based check of the state and national criminal history databases reveals a "presumptive disqualification," who has otherwise met the requirements for further consideration set forth in 606 CMR 14.13(1), or a "discretionary disqualification", shall, receive additional review by EEC to determine if the candidate poses an unacceptable risk of harm to children within the position sought. EEC shall inform the candidate of the fingerprint-based check findings and offer the candidate the opportunity to submit other relevant information. In reviewing the candidate's appropriateness for employment or other service given the concern for the safety of children, due weight shall be given to the following factors:

- (a) time since the offense or conviction;
- (b) age of the candidate at the time of the offense;
- (c) seriousness and specific circumstances of the offense;
- (d) relationship of the criminal act to the nature of the work to be performed;
- (e) the number of offenses;
- (f) any relevant evidence of rehabilitation or lack thereof; and
- (g) any other relevant information, including information submitted by the candidate.

(7) In reviewing the criminal record of a candidate, EEC may request that the candidate submit additional information, including a letter from the candidate's probation officer, parole officer, or treating professional, or other knowledgeable source, if not already supplied pursuant to 606 CMR 14.13(1). EEC may also seek

additional information from the police, courts, prosecuting attorneys or any other knowledgeable source. Following the review, EEC shall determine whether:  
(a) the hiring authority may hire the candidate; or  
(b) the hiring authority must terminate the candidate if conditionally or currently employed.

EEC shall require clear and convincing evidence demonstrating the candidate's appropriateness for employment given the concern for children's safety. EEC shall document, in writing, the reasons for its approval of the candidate for the position. After its review of the above, EEC shall notify the candidate and the hiring authority whether or not the candidate is approved for hire based upon the results of the fingerprint-based check.

EEC shall maintain a written record, including the rationale for the determination of appropriateness for the position for all candidates for employment or other service for whom fingerprint-based checks are received. Such information shall be maintained by EEC pursuant to the requirements of the Federal Bureau of Investigation, the Massachusetts State Police, and DCJIS. EEC approval of a candidate for employment or other services for whom fingerprint-based checks are received shall be maintained by the hiring authority and shall not be part of the candidate's personnel file. The hiring authority must also document completion of the Background Record Check Review in the candidate's personnel file. Nothing herein shall be construed as preventing the hiring authority from deciding not to hire the candidate for any other reason.

#### 14.1215: Agency Audits

The Department of Early Education and Care shall periodically review ~~CORI and DSS~~ Background Record Check information maintained by each hiring authority in accordance with EEC policies and procedures. In addition, EEC may establish further procedures for ~~CORI and DSS~~ Background Record Check investigations and interpretations of such findings by the hiring authority.

#### 14.1316: Dissemination

(1) CORI Records. CORI records may be disseminated only to individuals authorized to receive such information. An individual authorized to receive such information shall have been hired in accordance with 606 CMR 14.00 and authorized by the licensee and EEC to review CORI records. Dissemination to any unauthorized staff or other persons is strictly prohibited. Willful dissemination of Criminal Offender Record Information to unauthorized individuals is punishable by a jail sentence of up to one year and/or a fine of \$5,000 in addition to civil penalties, pursuant to M.G.L. c. 6 §178.

(2) ~~DSS~~DCF Background Record Check Information. ~~DSS~~DCF Background Record Check records may be disseminated only to individuals authorized to receive such information. An individual authorized to receive such information shall have been hired in accordance with 606 CMR 14.00 and authorized by the licensee and EEC to review such ~~DSS~~DCF Background Record Check

information. Dissemination to any unauthorized staff or other persons is strictly prohibited. Willful dissemination of such ~~DSSDCF~~ Background Check information to unauthorized individuals is punishable by a jail sentence of up to two and one half years and/or a fine of \$1,000 in addition to civil penalties, pursuant to M.G.L. c. 119, §51F.

(3) SORI and Fingerprint-Based Check Information. Dissemination of any information related to EEC's review of SORI Checks and fingerprint-based check information, other than the EEC approval for hire, is prohibited.

#### 14.1417: Incidents

Any hiring authority who receives an allegation that an employee or volunteer in an EEC licensed and/or funded program with a positive CORI or ~~DSSDCF~~ Background Record Check history has harmed a client served by the program shall immediately report the allegation to EEC. Notification shall include, but not be limited to, documentation of the hiring process and decisions of the hiring authority.

#### 14.1518: Severability

If any provisions of 606 CMR 14.01 through 14.1617; or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, the other provisions of said 606 CMR 14.01 through 14.187, or the application of such provisions to any person or circumstance other than that as to which it is held invalid, shall not be affected thereby.

#### 14.1619 Table of CORI Offenses

The offenses included in 606 CMR 14.1619: *CORI Tables A and B* are to be construed as including all violations of Massachusetts law or like violation of the law of another state, the United States, or a military, territorial or Indian tribal authority.

The hiring authority shall contact the EEC CORI Unit whenever a CORI investigation reveals an offense that is not included in any of the tables and it appears similar in seriousness to included offenses. The EEC CORI Unit, in consultation with the EEC General Counsel, shall determine, taking into account the purposes of 606 CMR 14.00, if the offense is similar to one of the included offenses. If it is determined to be similar, then it shall be considered to be included in the same table as the included offense. If it is determined to be dissimilar, then it shall be considered for inclusion into the appropriate table through the regulatory process.

Nothing herein shall preclude the hiring authority from considering any criminal charges or convictions not included in any of the tables in its hiring decisions.

CORI Table A	MGL
A&B, DANGEROUS WEAPON, VICT 60+	c.265 § 15A(a)
A&B CHILD W/ INJURY	c.265 §13J
A&B ON <u>A PERSON WITH AN INTELLECTUAL DISABILITY</u> <del>RETARDED PERSON</del>	c.265 §13F
ADMINISTERING DRUGS/SEX	c.272 § 3
ARMED ASSAULT W/INTENT TO MURDER OR ROB	c.265 § 18(b)
ARMED ASSAULT W/INTENT TO MURDER OR ROB, VICT 60+	c.265 § 18(a)
ARMED ASSAULT, DWELLING, W/FELONY INTENT	c.265 § 18A
ARMED CARJACKING	c.265 §21A
ARMED ROBBERY	c.265 § 17
ASSAULT W/INTENT TO MURDER OR MAIM	c.265 § 15
ASSAULT W/INTENT TO RAPE	c.265 § 24
ASSAULT W/INTENT TO RAPE CHILD	c.265 § 24B
ATTEMPT ESCAPE OR ESCAPE BY PRISONER OR SEX/DANG	c.268 § 16
ATTEMPT TO MURDER	c.265 § 16
BURNING DWELLING HOUSE	c.266 § 1
DISTRIBUTE CONTROLLED SUBSTAN, MINOR	c.94C § 32F
EXHIBIT POSING CHILD	c.272 § 29A
EXTORTION	c.265 § 25
HOME INVASION	c.265 §18C
INCEST	c.272 § 17
INDECENT A&B, CHILD 14 OR OVER	c.265 § 13H
INDECENT A&B, CHILD UNDER 14	c.265 §13B
<u>INDECENT A&amp;B ON A PERSON WITH AN INTELLECTUAL DISABILITY</u> <del>INDECENT A&amp;B, RETARDED PERSON</del>	c.265 § 13F
INDUCE MINOR TO PROSTITUTION	c.272 §4A
INTIMIDATION OF WITNESS	c.268 § 13B
KIDNAPPING	c.265 § 26
MALICIOUS EXPLOSION	c.266 §101
MANSLAUGHTER, NEGLIGENCE (MINOR/CHILD)	c.265 § 13
MANSLAUGHTER	c.265 § 13
MAYHEM	c.265 §14
MURDER	c.265 § 1
PERJURY	c.268 § 1
RAPE	c.265 §22(b)
RAPE AGGRAVATED	c.265 § 22(a)
RAPE, STATUTORY	c.265 § 23
TRAFFICKING IN COCAINE	c.94C§ 32E(b)(4)
TRAFFICKING IN HEROIN	c.94C§ 32E(c)(4)
TRAFFICKING IN MARIJUANA	c.94C§ 32E(a)(4)
UNNATURAL ACTS W/CHILD UNDER 16	c.272 § 35A

CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY

CORI Table B	
A&B	c.265 § 13A
A& B DANGEROUS WEAPON	c.265 § 15A
A&B INTIMIDATION, RACE/COLOR/RELIGION	c.265§ 39(a)
A&B ON PUBLIC SERVANT	c.265 § 13D
A&B ON POLICE OFFICER	c.265 § 13D
A&B OR ASSAULT ON CORRECTIONAL OFFICER	c.127 § 38B
ABANDON W/O SUPPORT OF SPOUSE, OR MINOR CHILD	c.273 § 1(1)
ABANDON M/V	c.90 § 22B
ACCOSTING	c.272 § 53
ACCESSORY BEFORE FACT	c.274 § 2
ACCESSORY AFTER FACT(VARIABLE)	c.274 § 4
ADULTERATION ALCOHOLIC BEVERAGE	c.138 § 16
AFFRAY	c.272 § 53
AID ESCAPE FROM CUSTODY	c.268 § 17
ALIEN IN POSSESS OF FIREARM	c.140 § 13H
ANNOYING PHONE CALLS	c.269 § 14A
ASSAULT	c.265 § 13A
ASSAULT BY DANGEROUS WEAPON	c.265§ 15(b)
ASSAULT BY DANGEROUS WEAPON, VICTIM 60 AND OLDER	c.265§15B(a)
ATTEMPT TO BURN DWELLING HOUSE	c.266 § 5A
ATTEMPT TO COMMIT CRIME (VARIABLE)	c.274 §6
ATTEMPTED EXTORTION	c.265 §25
ATTEMPT TO INJURE DEPOSITORY OF VALUABLES	c.266 § 16
BOMB SCARE	c.269 § 14
B&E DAY, INTENT COMM FELONY	c.266 § 18
B&E DAY, INTEND COMM FELONY, FEAR	c.266 § 17
B&E NIGHT, BLDG/SHIP/M/V, INTEND COMM FELONY	c.266 § 16
B&E TRUCK, INTEND COMM FELONY	c.266 § 20A
B&E, INTEND TO COMM MISDEMEANOR	c.266 § 16A
B&E RAILROAD CAR	c.266 § 19
BEING PRESENT WHERE HEROIN KEPT	c.94C § 35
B&E RECOGNIZANCE VIOLATION	c.276 § 82A
BRIBERY OF A POLICE OFFICER	c.268 § 2
BURGLARY, ARMED	c.266 §14
BURGLARY, UNARMED	c.266 § 15
BURNING BUILDING	c.266 § 2
BURNING M/V OR PERSONAL PROPERTY	c.266 § 5
BURNING TO DEFRAUD INSURANCE CO.	c.266 § 10
CARRYING DANGEROUS WEAPON, COMMITTING FELONY	c.269§10(b)

CARRYING DANGEROUS WEAPON, SUB OFFENSE	c.269§ 0(d)
CARRYING LOADED RIFLE/SHOTGUN, PUBLIC WAY	c.269 § 12D
CIVIL RIGHTS VIOLATION, BODILY INJURY	c.265 § 37
CIVIL RIGHTS VIOLATION, NO BODILY INJURY	c.265 § 37
COMPOUNDING FELONY	c.268 § 36
CONTRIBUTE DELINQUENCY CHILD	c.119 § 63
CREDIT CARD, LARCENY OF	c.266 § 37B
CRUELTY TO ANIMALS	c.272 § 77
DELIVER ARTICLES TO INMATE	c.268 § 31
DELIVER DRUGS TO PRISONER	c.268 § 28
DERIVING SUPPORT FROM PROSTITUTE	c.272 § 7
DISCHARGING FIREARM, 500FT	c.269 § 12E
DISCHARGING WEAPON NEAR HIGHWAY/DWELL, HUN	c.131 § 58
DISPENSE CONTROLLED SUBSTANCE, NOT REGISTERED	c.94C § 25
DISTRIBUTE CONTROLLED, SUBSTAN W/O PRESCRIPTION	c.94C§ 25(1)
DISTRIBUTING OBSCENE PICTURES	c.272 § 28
DRUG PARAPHERNALIA	c.94C§ 32I(a)
ENGAGING IN SEX, PROSTITUTION, "JOHN"	c.272 § 53A
ENTER W/O BRK, TRUCK, INTEND COMM FELONY	c.266 § 20A
ENTER W/O BRK, BLDG/SHP/M/V, INT FEL , FEAR	c.266 § 17
ENTER W/O BRK, NIGHT, DWELL, INTEND COMM FELONY	c.266 § 18
ENTICE FEMALE, SEX, INTERCOURSE	c.272 § 2
ESCAPE, FURLOUGH	c.268 § 16
ESCAPE BY PRISONER	c.268 §16
FAIL TO KEEP RECORDS ON CONTROLLED SUBSTANCE	c.94C § 15
FALSE INFORMATION FOR GUN PERMIT	c.140 § 129
FORGERY, ALTER PRESCRIPTION	c.94C§ 33(b)
FUGITIVE FROM JUSTICE	c.276 § 20A
GAMING, IMPLEMENTS FOUND PRESENT, MANAGER	c.271 § 17
GAMING, IMPLEMENTS FOUND PRESENT, OWNER	c.271 § 17
HOUSE OF ILL FAME	c.272 § 24
ILLEGAL POSSESS CLASS C SUBSTANCE	c.94C § 34
ILLEGAL POSSESS CLASS D SUBSTANCE	c.94C § 34
ILLEGAL POSSESS CLASS E SUBSTANCE	c.94C § 34
INDECENT EXPOSURE	c.272 § 53
INDUCE PROSTITUTION	c.272 § 6
INDUCE SEX, MINOR	c.272 § 4
INVOLUNTARY MANSLAUGHTER	c.265 §13
KIDNAPPING MINOR BY RELATIVE	c.265 § 26A
KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY	c.265 § 26A
LARCENY, BANK EMPLOYEE OR OFFICER	c.266 § 52
LARCENY, CONTROLLED SUBSTANCE, FROM AUTHORIZED PERSON	c.94C § 37
LARCENY FIREARM	c.266 § 30
LARCENY, PERSON	c.266 § 25

LARCENY, PERSON 65+	c.266 § 25
LARCENY BY CHECK	c.266 § 37
LARCENY MORE	c.266 §30
LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR	c.266 § 20
LARCENY IN TRUCK/TRAILER	c.266 § 20B
LARCENY, M/V OR TRAILER	C.266 § 28
LEAVE COMM W/O SUPPORT MINOR CHILD OUT OF WEDLOCK	c.273 § 15
LEAVE COMM W/O SUPPORT OF SPOUSE & MINOR CHILD	c.273 § 1
LEAVE SCENE AFTER PERSONAL INJURY, M/V	c.90§ 24(2)(a1/2)(1)
LEWD & LASCIVIOUS SPEECH & BEHAVIOR	c.272 § 53
MALICIOUS DESTRUC, PERS/REAL PROP, OVER \$250	c.266 § 127
MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE	c.94C § 32
MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE	c.94C § 32A
MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE	c.94C § 32B
MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE	c.94C § 32C
MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE	c.94C § 32D(a)
MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE	c.94C § 32A
MFG/DIST/DISPENSE CL A W/IN 1000FT SCHOOL	c.94C § 32J
MFG/DIST/DISPENSE CL B W/IN 1000FT SCHOOL	c.94C § 32J
M/V HOMICIDE, NEGLIGENT OPERATION	c.90 § 24G(b)
M/V HOMICIDE, RECKLESS OPERATION	c.90 § 24G(b)
M/V HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENT OR RECKLESS	c.90 § 24G(a)
M/V HOMICIDE, UNDER INFLUENCE LIQUOR	c.90 § 24G(b)
M/V HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENT OR RECKLESS	c. 90 §24G(b)
NON-SUPPORT OF MINOR CHILD OUT OF WEDLOCK	c.273 § 15
NON-SUPPORT OF MINOR CHILD(REN)	c.273 §1
OBSCENE TELEPHONE CALLS	c.269 § 14A
OBSTRUCT JUSTICE	c.268 § 34
OPEN & GROSS LEWDNESS	c.272 § 16
OPERATE M/V UNDER INFLUENCE, SERIOUS INJURY	c.90 §24(1)(a)(1)
OPERATE M/V UNDER INFLUENCE, DRUGS, 3 <sup>RD</sup> OFFENSE	c.90 §24(1)(a)(1)
OPERATE M/V UNDER INFLUENCE, LIQUOR, 3 <sup>RD</sup> OFFENSE	c.90 § 24
OPERATE M/V AFTER LICENSE REVOKED FOR DRUNK DRIVING	c.90 § 23
OPERATE M/V UNDER INFLUENCE, DRUGS	c.90§ 24(1)(a)(1)
OPERATE M/V UNDER INFLUENCE, LIQUOR	c.90 § 24
POSSESS BURGLARIOUS TOOLS	c.266 § 49

POSS CL A SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C § 32J
POSS CL B SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C § 32J
POSS CL B SUB W/INT TO DIST/MFG/CULT W/INT 1000FT SCHOOL	c.94C § 32J
POSSESS CLASS A SUBSTANCE	c.94C §34
POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32(a)
POSSESS CLASS B SUBSTANCE	c.94C §34
POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32A(a)
POSSESS CLASS B SUBSTANCE, W/INTENT DIST/MFG	c.94C § 32A
POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32B(a)
POSSESS CLASS C SUBSTANCE, SUB OFFENSE	c.94C §34
POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32C(a)
POSSESS CLASS D SUBSTANCE, SUB OFFENSE	c.94C §34
POSS CLASS D SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C §32J
POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32D
POSSESS CONTROLLED SUB W/INTENT DISTRIB, SUB OFF	c.94C § 32(b)
POSSESS FIREARM W/O LICENSE	c.269 §10(h)
POSSESS FIREARM, SERIAL/ID NUM OBLIT	c.269 § 11C
POSSESS FIREARM, SERIAL/ID NUM OBLIT, COMM FELONY	c.269 § 11B
POSSESS INFERNAL MACHINE	c.266 § 102A
POSSESS MACHINE GUN W/O LICENSE	
POSSESS MACHINE GUN OR SAWED OFF SHOT GUN, SUB OFFENSE	c.269 § 10D
POSSESS ALTERED FID CARD	c.140 § 1311
POSSESS COUNTERFEIT SUBS W/INTENT DISTRIBUTE	c.94C § 32G
POSSESS DANGEROUS WEAPON UNLAWFULLY	c.269 § 10(b)
POSSESS HYPODERMIC SYRINGE OR NEEDLE	c.94C § 27
POSSESS OBSCENE "PORNOGRAPHIC" MATERIAL	c.272 § 29
POSSESS MATTER HARMFUL MINOR	c.272 § 28
POSSESS M/V MASTER KEY	c.266 § 49
POSSESS SHOTGUN, BARREL UND 18 "SAWED OFF"	c.269 § 10C
POSSESS SHOTGUN, BARREL UND 18 "SAWED OFF, SUB OFF	c.269 § 10D
PROCURE LIQUOR FOR MINOR	c.138 § 34
PROSTITUTION	c.272 § 53A
RECEIVE/BUY STOLEN M/V	c.266 § 28(a)
RECEIVE STOLEN PROPERTY, OVER 250	c.266 § 60
RIOT	c.269 § 1
SELL AMMUNITON W/O LICENSE	c.140 § 122B
SELL/DELIVER ALCOHOLIC BEVERAGES PERSON UNDER 21	c.138 § 34
SELL OBSCENE LITERATURE, UNDER 18	c.272 § 28
SELL FIREARM W/O LICENSE	c.140 § 128
SOLICITING PROSTITUTE	c.272 § 8
SHOPLIFTING, 3 <sup>RD</sup> OR SUB OFFENSE	c.266 § 30A

SODOMY	c.272 § 34
TAKING M/V W/O AUTHORITY, STEAL PARTS	c.266 § 28
TELECOMMUNICATIONS FRAUD	c.166 § 42A
THROW EXPLOSIVES	c.266 § 102
TRAFFICKING IN COCAINE W/ IN 1000FT SCHOOL	c.94C § 32J
TRAFFICKING IN HEROIN W/ IN 1000FT SCHOOL	c.94C § 32J
TRAFFICKING IN MARIJ W/ IN 1000FT SCHOOL	c.94C § 32J
UNARMED ASSAULT, INTENT TO ROB	c.265 § 20
UNARMED ROBBERY	c.265 § 19(b)
UNARMED ROBBERY, VICTIM 60+	c.265 § 19(a)
UNAUTHORIZED USE, CREDIT CARD, OVER \$250	c.266 § 37C
UNLAWFUL POSSESSION, SHOTGUN	c.140 § 129C
UNLAWFULLY OBTAIN CONTROLLED SUBSTANCE	c.94C § 33
UNLAWFUL POSSESSION, BOMB	c.148 § 35
UNLAWFUL POSSESSION, FIREARM, COMMISSION FELONY	c.265 § 18B
UNLAWFULLY PLACE EXPLOSIVES	c.266 § 102
UNNATURAL ACTS	c.272 § 35
USE M/V, COMMISSION OF FELONY	c.90 § 24(2)(a)
UTTER FORGED INSTRUMENT	c.267 § 5
UTTER FALSE PRESCRIPTION	c.94C § 33
VANDALIZE CHURCH/SYNAGOGUE/CEMETERY	c.266 § 127A
VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG	c.266 § 98
VIOLATE DOMESTIC PROTECTIVE ORDER	c.208 § 34C
VIOLATE STALKING LAW	c.265 § 43(a)
VIOLATION OF PROTECTIVE ORDER (209A)	c.209A § 7
VIOLATE SUPPORT ORDER	c.273 §1
VIOLATE SUPPORT ORDER, MINOR CHILD OUT OF WDLOCK	c.273 § 15
WANTON DESTRUCTION, PERS/REAL PROPERTY	c.272 § 73
WILLFULLY & MALICIOUSLY BURN M/V	c.266 § 127
WILLFULLY & MALICIOUSLY KILL BEAST	c.266 §127
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	

REGULATORY AUTHORITY

606 CMR 14.00: ~~M.G.L. c. 28A, §§1 and 3~~; M.G.L. c. 15D, §§3, 7 and 8