CHAPTER 15.00: CRIMINAL OFFENDER RECORD CHECKS

15.01: Purpose

The purpose of 101 CMR 15.01 *et seq.* is to establish a core standardized policy and procedure for the Executive Office of Health and Human Services (EOHHS), its agencies, and vendor programs regarding the review of criminal records of candidates for employment.

15.02: Policy

It is the policy of EOHHS that an individual's background, including any Criminal Offender Record Information (CORI) and other relevant information, be carefully considered so that the vulnerable populations served by EOHHS and its agencies are protected. It is also the policy of EOHHS that qualified rehabilitated offenders are given a fair opportunity to be employed and reintegrate successfully into the workforce. Further, a criminal background check should only occur, and its results considered, in those instances where a current or prospective employee shall have been deemed otherwise qualified and the content of a criminal record is relevant to the duties and qualifications of the position.

15.03: Scope

(1) Subject to certification by the Criminal History Systems Board (CHSB), criminal history information shall be required and only considered with respect to the following categories of applicants and employees of EOHHS, its agencies, and vendor programs:

(A) applicants and employees seeking a position that entails the potential for unsupervised contact with program clients;

(B) applicants and employees for whom a CORI is necessary to comply with other legal requirements, or for whom a CORI is otherwise deemed by EOHHS, its agencies, or vendor programs to be relevant to the duties and qualifications of the position; and

(C) employees who apply for a new position that falls within the scope of 101 CMR 15.03(1)(A) or (B).

(2) Current employees in positions where a CORI is required may be subject to a criminal record review at other times in the hiring authority's discretion. Notwithstanding the foregoing, the hiring authority shall not take any action based on the CORI unless the CORI reveals criminal activity since the prior CORI.

(3) Neither MassHealth providers nor entities or persons who are licensed by an EOHHS agency or who receive a grant from EOHHS or an EOHHS agency are subject to 101 CMR 15.00 solely by virtue of their status as MassHealth providers, EOHHS licensees, or grant recipients. Notwithstanding the foregoing, nothing herein should be construed to limit the MassHealth program or an EOHHS agency from considering a person's CORI or other criminal record information when determining if he or she may participate as a provider in the MassHealth program, be licensed, or receive a grant.

(4) Notwithstanding anything in 101 CMR 15.00, a CORI is not required for EOHHS and EOHHS agency employees who, as of May 1, 2009, and for vendor program employees, who, as of July 1, 2009, hold a position where a CORI would otherwise be required, but who were not previously the subject of a CORI nor required to have been so under the EOHHS or EOHHS agency regulations applicable when the employee was hired..

(5) Notwithstanding anything in 101 CMR 15.00, EOHHS, EOHHS agencies, and vendor programs, at their expense, may use convictions and pending criminal matters in other states in addition to CORI. Such information shall be reviewed in accordance with 101 CMR 15.00 and as if the crime had occurred in Massachusetts.

(6) Notwithstanding anything in 101 CMR 15.00, 101 CMR 15.00 shall not apply to applicants for positions in or employees of vendor programs licensed by the Department of Early Education and Care. Such vendor programs shall be subject to 606 CMR 14.00.

(7) The procedures under 101 CMR 15.06 through 15.09 shall be followed for all positions that fall within the scope of 101 CMR 15.03.

(8) Vendor programs shall not be subject to the within regulations at 101 CMR 15.00 until July 1, 2009. Until such time, vendor programs shall continue to comply with the EOHHS or applicable EOHHS agency regulation about the use of CORI for employment purposes that were in effect on April 30, 2009.

15.04: Definitions

Applicant: Any person seeking employment with EOHHS or an EOHHS agency or their vendor programs, including current employees seeking new positions.

Candidate: Any person who is first determined otherwise qualified for the position and has received a conditional offer of employment subject to consideration of any criminal record information.

Client: Any person applying for or receiving EOHHS or EOHHS agency or their vendor program services.

Community Service Worker: Any individual who, as a condition of probation, is applying for a position.

CORI Cleared Employee: Any candidate hired as an employee after the hiring authority completed all requirements of 101 CMR 15.00.

CORI Coordinator: The person designated by the hiring authority to send requests and receive responses from the Criminal History Systems Board (CHSB).

CORI Investigation: The process of requesting, receiving, and evaluating CORI related to candidates for employment.

Criminal History Systems Board (CHSB): The board created under M.G.L. c.6, § 168, which provides for and exercises control over the installation, operation, and maintenance of the data communication system known as the Criminal Offender Record Information (CORI) system.

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. Candidates last supervised in a correctional facility 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 in his or her assessment process.

Criminal Offender Record Information (CORI): Information regulated by the Criminal History Systems Board (CHSB) and defined under CHSB regulations at 801 CMR 2.03 to include records and data in any communicable form compiled by a criminal justice agency that concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release.

Employees: Individuals holding full and part-time positions, including state employees, contract employees, individual consultants, temporary employees, volunteers, trainees, interns, or students, regardless of whether the individuals receive compensation and the source of funding for the positions. For the purposes of 101 CMR 15.04, a current client of a facility or program who provides services at that facility or program will not be considered an employee at that facility or program.

Employment: Full and part-time positions held by any person, including state employees, contract employees, individual consultants, temporary employees, volunteers, trainees, interns, or students, regardless of whether the person receives compensation and the source of funding for the positions.

EOHHS: The Executive Office of Health and Human Services.

EOHHS agency: Any agency, department, commission, office, board, division, or other body within and subject to EOHHS under M.G.L. c.6A, § 16, including the Office of Elder Affairs.

EOHHS Funded or Operated Program: Any program operated by EOHHS or an EOHHS agency or their vendor programs that provides health and human services for or on behalf of EOHHS or EOHHS agency clients in accordance with a contract under 808 CMR 1.00.

Hiring Authority: The person or persons legally authorized or designated to make hiring decisions within EOHHS or an EOHHS agency or their vendor programs. Different persons may be authorized or designated as responsible for specific parts of the process in making a hiring decision.

No Record: The conclusion from a CORI search that convictions or pending charges relating to the candidate have not been found. A finding of "no record" does not necessarily mean, however, that criminal information is not present in the CORI database.

Otherwise Qualified: An applicant who meets all other employment criteria and consideration for a position.

Pending: A criminal matter is considered pending if the CORI report indicates that the matter remains open and without final resolution, including that the case has been continued without a finding.

Potential Unsupervised Contact: Potential for contact with a client when no other CORI cleared employee is present. A person having only the potential for incidental unsupervised contact with clients in commonly used areas such as elevators, hallways, and waiting rooms, will not be considered to have the potential for unsupervised contact for purposes of 101 CMR 15.03. The term “commonly used areas” does not include bathrooms or other isolated areas that are separated by sight and sound from other staff.

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 through 121, or an independent clinical social worker licensed under M.G.L. c. 112, § 130 through 132; provided that he or she 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; provided further that he or she has not provided treatment to the candidate.

Trainee: Any person enrolled in an academic program or participating in a pre- or post-doctoral training program that is affiliated with an accredited educational institution or hospital, who receives a placement within EOHHS or an EOHHS agency or their vendor programs.

Vendor Program: A program, administered by an individual, corporation, partnership, organization, trust, association, or other entity, that provides services to EOHHS or EOHHS agency clients under a contract issued by EOHHS or an EOHHS agency in accordance with 808 CMR 1.00. An individual or entity will not be considered a vendor program solely because they participate as a MassHealth provider or are licensed by an EOHHS agency or receive a grant from EOHHS or an EOHHS agency.

Volunteer: Any person who works in an unpaid capacity for EOHHS, an EOHHS agency, or vendor program. For the purposes of 101 CMR 15.04, a current client of a facility or program who provides unpaid services at that facility or program will not be considered a volunteer at that facility or program.

Work Release Program: A program of unpaid work performed by an individual under the custody of the state or county correctional system.

15.05: Community Service and Work Release Workers

(1) Notwithstanding anything in 101 CMR 15.00, EOHHS or any EOHHS agency or their vendor programs that participate in either a criminal justice related community service program or a work release program must require all individuals who participate to disclose his or her criminal record on a form signed by the candidate's criminal justice official. No inquiry, however, may be made inconsistent with M.G.L. c. 151B, § 4, para 9 which prohibits the disclosure of

(A) an arrest, detention, or disposition regarding any violation of law in which no conviction resulted; or

(B) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace; or

(C) 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.

(2) In addition, as a condition of participation, the candidate's criminal justice official must conclude in writing that the candidate will not pose an unacceptable risk of harm to clients, or the community service program or work release program will take responsibility for providing physical supervision for the candidate at all times.

15.06: Application Forms

(1) Disclosure of Criminal Records

(A) No initial employment application form may ask whether an applicant has a criminal record. Only a candidate who has been first determined otherwise eligible for a position subject to a CORI and given a conditional offer of employment subject to consideration of any criminal record, may be asked to complete a supplemental form requiring the disclosure of the candidate's criminal record. No inquiry may be made inconsistent with M.G.L. c. 151B, § 4, para 9, referenced under 101 CMR 15.05(1).

(B) Any other criminal record information will be obtained in accordance with101 CMR 15.06(2).

(2) CORI Authorization Forms and Consent

(A) The hiring authority will ensure that a candidate provides consent to a CORI investigation and, where applicable, to the periodic conduct of further CORI investigations during the course of employment.

(B) All candidates must complete an appropriate CORI authorization form and submit a copy of at least one government-issued photographic identification, such as a driver's license, or if the applicant has not been issued such a form of identification, then a copy of a government-issued non-photographic identification, such as a birth certificate or social security card.

(C) The hiring authority will also inform the candidate that his or her CORI may be utilized by qualified mental-health professionals conducting themselves in conformance with 101 CMR 15.09 and by EOHHS, EOHHS agency, or vendor program personnel responsible for carrying out the provisions of 101 CMR 15.00.

15.07: CORI Investigations

(1) A hiring authority will complete a CORI investigation only after determining that the person is otherwise qualified for employment and making a conditional offer of employment to a candidate, subject to consideration of any criminal record.

(2) The hiring authority will confirm an offer only after the hiring authority receives written confirmation that the criminal record investigation has resulted in a finding of "no record" or the hiring authority has complied with the requirements of 101 CMR 15.07, 15.08, and 15.09. The hiring authority will not permit any candidate to commence employment until after the candidate is cleared as a result of the CORI investigation in accordance with 101 CMR 15.00. Notwithstanding the foregoing, pending the candidate being cleared, the hiring authority may permit the candidate to commence employment on a temporary basis in a position outside the scope of 101CMR 15.03(1).

(2) All CORI investigations that result in a finding of "no record" are transmitted back to the hiring authority and provide sufficient evidence of suitability for hire for 60 business days. A "no record" finding may be valid for consideration for other positions during such 60 days.

(3) All CORI investigations that show findings of criminal records are sent immediately to the hiring authority for review and action consistent with 101 CMR 15.00.

15.08: Findings from CORI Investigations – No Further Review – Outstanding Warrants

(1) If the CORI investigation reveals a conviction of a Table B crime that is a felony more than ten years old, or a Table B crime that is a misdemeanor more than five years old, and there are no subsequent convictions or pending cases of any kind, the hiring authority will not consider such crime. For purposes of computing the five and ten-year time periods, the time period will run from the date any court supervision, probation, or sentence was terminated.

(2) If the CORI investigation reveals an outstanding warrant for any offense, the hiring authority will inform the candidate that he or she is ineligible for employment unless the warrant is removed.

(3) All CORI reports, including those with a finding of "no record," shall be filed in a secure location.

15.09: Findings from CORI Investigation - Crimes Subject to Review

(1) If the CORI investigation reveals a conviction of a Table A crime, regardless of when it occurred, or a pending Table A crime, or a conviction of a Table B crime within the five- and ten-year time periods referenced under 101 CMR 15.08(1), or a pending Table B crime, the hiring authority will give careful consideration to the following factors in its decision to hire or not hire the candidate:

(A) time since the conviction or pending offense;

(B) age of the candidate at the time of the offense;

(C) nature and specific circumstances of the offense;

(D) sentence imposed and length of any period of incarceration;

(E) relationship of the criminal act to the nature of the work to be performed;

(F) number of offenses;

(G) whether offenses were committed in association with a dependence on drugs or alcohol, from which the candidate has since recovered;

(H) any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses; and the individual's conduct and experience since the time of the offense, including but not limited to educational or professional certifications obtained; and

(I) any other relevant information, including information submitted by the candidate, or requested by the hiring authority.

(2) The hiring authority, using a form prescribed by EOHHS, will also make a written determination of its decision to hire or not hire such candidate. This form will document the factors considered and the rationale for the hiring authority's decision. A copy of such written determination will be maintained by the hiring authority in a secure location, together with the CORI and criminal record disclosure information that may have been requested under 101 CMR 15.06(1)(A). Completion of the written determination form will serve to confirm that the hiring authority has carefully reviewed the CORI and other relevant information, including information provided by the candidate, so that the vulnerable populations served by EOHHS agencies are protected and candidates with criminal histories are given a fair opportunity to be employed and to reintegrate successfully into the workforce.

(3) (A) In addition, if the hiring authority decides to hire a candidate with a CORI showing a conviction of, or pending Table A crime, the hiring authority will submit the prescribed form to the EOHHS Secretary or the EOHHS agency Commissioner or their designees. The hiring authority will not proceed to hire the candidate for five business days from the date the EOHHS Secretary or the EOHHS agency Commissioner or their designees receive the form. During such time, the EOHHS Secretary or EOHHS agency Commissioner or their designees may disapprove the hire or request additional information. Notwithstanding the foregoing, a hiring authority may proceed to hire the candidate before the expiration of the five-day period if the EOHHS Secretary or EOHHS agency Commissioner or designee, after receiving the prescribed form, informs the hiring authority that he or she does not intend to disapprove the hire or request additional information.

(B) EOHHS or an EOHHS agency may require that the hiring authority's review include the following:

(i) a review by the candidate's criminal justice official, including a determination in writing that the candidate, within the position sought, does not pose an unacceptable risk of harm to the clients; or

(ii) if the criminal justice official has been determined by the hiring authority to be unavailable or has indicated he or she has insufficient information to render an assessment, a written determination from a qualified mental-health professional that the candidate, within the position sought, does not pose an unacceptable risk of harm to the clients. The EOHHS agency or EOHHS, if EOHHS makes the request, will bear the cost of an assessment by a qualified mental-health professional of the candidate's risk of harm.

(4) If the hiring authority does not wish to hire a candidate with a Table A crime, or a Table B crime within the five- and ten-year time periods referenced under 101 CMR 15.08(2), the prescribed form will be completed as outlined in 101 CMR 15.09(2) and will be maintained on file in a secure location.

(5) Before any determination or hiring decision is made on the basis of the CORI, the hiring authority will comply with all requirements of the CHSB under 803 CMR 2.00 to 9.00 et seq., including

(A) providing a candidate with a copy of his or her CORI, EOHHS CORI regulations, and CHSB information concerning the process for correcting a criminal record;

(B) notifying the candidate of the potential adverse decision based on the CORI;

(C) informing the candidate what part of the criminal record appears to make him or her ineligible for the position;

(D) providing the candidate with an opportunity to dispute the accuracy and relevancy of the CORI; and

(E) upon receipt of any additional documentation received from the candidate or CHSB, reviewing the information with the candidate and inform him or her of the decision.

15.10: Post Audit and Compliance Review

(1) EOHHS or an EOHHS agency may conduct a periodic review of all documentation of compliance with 101 CMR 15.00, including written determinations of hiring decisions of candidates as required under 101 CMR 15.09(2).

(2) If such review or other relevant information obtained by EOHHS or an EOHHS agency raises concerns about the hiring authority's compliance, EOHHS or an EOHHS agency may require the hiring authority to submit documentation for all hiring decisions and provide EOHHS or an EOHHS agency five business days to disapprove any decision to hire. EOHHS or an EOHHS agency may require the hiring authority to follow such prior review process for as long a period as it determines is necessary to ensure that the hiring authority is complying.

(3) Notwithstanding 101 CMR 15.10(2), in the event of noncompliance by a vendor program with any provision under 101 CMR 15.00, EOHHS may terminate the vendor’s contract or take such other action it determines appropriate

15.11: Dissemination

CORI records may be disseminated only to individuals certified by the CHSB to receive such information, such as the hiring authority or CORI Coordinator. The hiring authority will maintain a listing of persons so certified. Willful dissemination of CORI 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.

15.12: Incidents

Any hiring authority that receives an allegation that an EOHHS, an EOHHS agency, or vendor program employee with a positive CORI history has harmed a client will immediately report the allegation to the EOHHS or EOHHS agency General Counsel. Notification will include documentation of the hiring decision of the hiring authority.

15.13: Agency Regulations

101 CMR 15.00 is intended to supersede any EOHHS agency regulations on the use of CORI for employment purposes. To the extent that any agency regulation may conflict, 101 CMR 15.00 will take precedence.

15.14: Severability

If any provisions of 101 CMR 15.01 through 15.15, or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, the other provisions of said 101 CMR 15.01 through 15.15, or the application of such provisions to any person or circumstance other than that as to which it is held invalid or unconstitutional, shall not be affected thereby.

15.15: Tables of Offenses

The offenses included in 101 CMR 15.15 are to be construed as including similar violations of the law of Massachusetts, another state, the United States, or a military, territorial, or Native American tribal authority. If an offense is determined to be similar, the hiring authority will consider the offense as if it were on the same table as the included offense.

TABLE A

Crime Name	MGL
ABANDON CHILD UNDER 10, RESULTING IN DEATH	c. 119, § 39
ABUSE OF PATIENT IN LONG TERM CARE FACILITY	c. 265, § 38
ANIMALS, CRUELTY TO	c. 272, § 77
ARMED CAREER CRIMINAL	c. 269, § 10G
ARSON OF DWELLING HOUSE	c. 266, § 1
ASSAULT, AGGREVATED	c. 265, § 13A(b)
ASSAULT & BATTERY, DANGEROUS WEAPON, AGGREVATED	c. 265, § 15A(c)
ASSAULT & BATTERY, DANGEROUS WEAPON, VICTIM 60 AND OLDER	c. 265, § 15A(a)
ASSAULT & BATTERY ON CHILD	c. 265, § 13J
ASSAULT & BATTERY ON ELDER OR PERSON WITH DISABILITY	c. 265, § 13K
ASSAULT & BATTERY, INTIMIDATION, RACE/COLOR/RELIGION	c. 265, §§ 39(a) and 39(b)
ASSAULT & BATTERY ON RETARDED PERSON	c. 265, § 13F
ASSAULT WITH INTENT TO MURDER OR ROB, ARMED	c. 265, § 18(b)
ASSAULT WITH INTENT TO MURDER OR ROB, VICTIM 60 AND OLDER, ARMED	c. 265, § 18(a)
ASSAULT IN DWELLING, ARMED	c. 265, § 18A
ASSAULT BY DANGEROUS WEAPON, VICTIM 60 AND OLDER	c. 265, § 15B(a)
ASSAULT WITH INTENT TO MURDER OR MAIM	c. 265, § 15
ASSAULT WITH INTENT TO RAPE	c. 265, § 24
ASSAULT WITH INTENT TO RAPE CHILD UNDER 16	c. 265, § 24B
BREAKING AND ENTERING NIGHT, BLDG/SHIP/MOTOR VEHICLE, INTENT TO COMMIT FELONY	c. 266, § 16
CARJACKING, ARMED	c. 265, § 21A
CHILD IN NUDE OR SEXUAL ACT, POSE/EXHIBIT OR DISTRIBUTE MATERIAL	c. 272, §§ 29A and 29B
CHILD ENTICEMENT	c. 265, § 26C
CIVIL RIGHTS VIOLATION, BODILY INJURY	c. 265, § 37

Crime Name	MGL
CRIMINAL HARASSMENT, SUBSEQUENT OFFENSE	c. 265, § 43A(B)
DRUGS, DISTRIBUTE TO MINOR	c. 94C, § 32F
DRUGS, TRAFFICKING IN COCAINE	c. 94C, § 32E(b)(1)-(b)(4)
DRUGS, TRAFFICKING IN HEROIN	c. 94C, § 32E(c)(4)
DRUGS, TRAFFICKING IN MARIJUANA	c. 94C, § 32E(a)(4)
ELDER/DISABLED, PERMIT ABUSE ON	c. 265, § 13K(a ½)
EXPLOSION, MALICIOUS	c. 266, § 101
EXTORTION	c. 265, § 25
FIREARM, ARMED CAREER CRIMNAL	c. 269, § 10G
HOME INVASION	c. 265, § 18C
IDENTITY FRAUD	c. 266, § 37E
INCEST	c. 272, § 17
INDECENT ASSAULT & BATTERY ON PERSON 14 OR OVER	c. 265, § 13H
INDECENT ASSAULT & BATTERY ON CHILD UNDER 14	c. 265, § 13B
INDECENT ASSAULT & BATTERY ON CHILD UNDER 14, AGGRAVATED	c. 265, § 13B½
INDECENT ASSAULT & BATTERY ON CHILD UNDER 14, AGGRAVATED, SUBSEQUENT EVENT	c. 265, § 13B¾
INDECENT ASSAULT & BATTERY ON DIABLED/PERSON OVER 60	c. 265, § 13K
INDECENT ASSAULT & BATTERY ON RETARDED PERSON	c. 265, § 13F
KIDNAPPING	c. 265, § 26
KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY	c. 265, § 26A
MANSLAUGHTER (Voluntary or Involuntary)	c. 265, § 13
MAYHEM	c. 265, § 14
MURDER	c. 265, §§ 1 and 2
OBSCENE PICTURES, DISTRIBUTING	c. 272, §§ 28 and 29
OBSCENE MATERIALS HARMFUL TO MINOR, DISTRIBUTE OR POSSESS WITH INTENT TO DISTRIBUTE	c. 272, § 28
PHOTOGRAPH UNSUSPECTING NUDE PERSON/ PHOTOGRAPH OF UNSUSPECTING NUDE PERSON, DISSEMINATE	c. 272, §§ 104(b) and (c)
PRESCRIPTION; FORGERY, ALTER, SUBSEQUENT OFFENSE	c. 94C, § 33(c)
PROSTITUTION, DERIVE SUPPORT FROM	c. 272, § 7

Crime Name	MGL
PROSTITUTION, DERIVE SUPPORT FROM CHILD	c. 272, § 4B
PROSTITUTION, INDUCE MINOR TO	c. 272, § 4A
PROSTITUTION, MAINTAIN HOUSE OF	c. 272, § 6
PROSTITUTION/UNLAWFUL SEX/ABDUCT PERSON FOR	c. 272, § 2
PROSTITUTION/SOLICITATION (With Person under 14)	c. 272, § 53A(b)
RAPE	c. 265, § 22(b)
RAPE, AGGRAVATED	c. 265, § 22(a)
RAPE & ABUSE OF A CHILD, AGGRAVATED	c. 265, § 23A
RAPE & ABUSE OF A CHILD, AGGRAVATED, SUBSEQUENT EVENT	c. 265, § 23B
RAPE OF CHILD WITH FORCE	c. 265, § 22A
RAPE OF CHILD WITH FORCE, AGGRAVATED	c. 265, § 22B
RAPE OF CHILD WITH FORCE, AGGRAVATED, SUBSEQUENT EVENT	c. 265, § 22C
RAPE OF CHILD (STATUTORY)	c. 265, § 23
RECKLESS ENDANGERMENT TO CHILDREN	c. 265, § 13L
ROBBERY, ARMED	c. 265, § 17
SEX OFFENDER, FAILURE TO REGISTER	c. 6, § 178H(a)
SEXUAL CONDUCT WITH CHILD UNDER 14, PAY FOR OR FOR FEE	c. 272, § 53A(b)
SEXUAL INTERCOURSE, ADMINISTER DRUGS FOR	c. 272, § 3
SEXUAL INTERCOURSE, INDUCE MINOR	c. 272, § 4
STALKING	c. 265, § 43(a)
STALKING IN VIOLATION OF RESTRAINING ORDER	c. 265, § 43(b)
UNNATURAL ACTS WITH CHILD UNDER 16	c. 272, § 35A
VIOLATE DOMESTIC PROTECTIVE ORDER	c. 208, § 34C
VIOLATION OF PROTECTIVE ORDER (209A)	c. 209A, § 7
WEAPON OF MASS DESTRUCTION	c. 266, § 102C
CONSPIRACY TO COMMIT ANY OF THE ABOVE TABLE A CRIMES	c. 274, § 7
ACCESSORY BEFORE THE FACT OF ANY OF THE ABOVE TABLE A CRIMES	c. 274, § 2
ATTEMPT TO COMMIT ANY OF THE ABOVE TABLE A CRIMES	c. 274, § 6

TABLE B

Crime Name	MGL	Felony or Misdemeanor
ABANDON CHILD UNDER 10	c. 119, § 39	M
ACCESSORY AFTER FACT (VARIABLE)	c. 272, § 4	F
ACCOSTING; LEWD & LASCIVIOUS CONDUCT; INDECENT EXPOSURE	c. 272, § 53	M
AFFRAY	c. 272, § 53	M
AID ESCAPE FROM CUSTODY	c. 268, § 17	M
ALCOHOLIC BEVERAGES, SELL/DELIVER TO PERSON UNDER 21	c. 138, § 34	M
ALIEN IN POSSESS OF FIREARM	c. 140, § 131H	M
ASSAULT	c. 265, § 13A(a)	M
ASSAULT WITH INTENT TO ROB, UNARMED	c. 265, § 20	F
ASSAULT & BATTERY	c. 265, § 13A(a)	M
ASSAULT & BATTERY ON PUBLIC SERVANT/POLICE OFFICER	c. 265, § 13D	M
ASSAULT & BATTERY ON CORRECTIONAL OFFICER	c. 127, § 38B	F
ASSAULT & BATTERY DANGEROUS WEAPON	c. 265, § 15A(b)	F
ASSAULT BY DANGEROUS WEAPON	c. 265, § 15B(b)	F
ASSAULT WITH HYPODERMIC NEEDLE, SYRINGE	c. 265, § 15C(a)	F
ASSAULT & BATTERY WITH HYPODERMIC NEEDLE, SYRINGE	c. 265, § 15C(b)	F
ATTEMPT TO INJURE DEPOSITORY OF VALUABLES	c. 266, § 16	F
BETTING; TAKING, ALLOWING	c. 271, § 17	M
BODY ARMOR, USE OF IN COMMISSION OF FELONY	c. 269, § 10D	F
BOMB SCARE /HIJACK THREAT	c. 269, § 14	F
BOMB/EXPLOSIVES, UNLAWFUL POSSESSION	c. 148, § 35	M
BREAKING AND ENTERING DAY, INTENT TO COMMIT FELONY, PERSON IN FEAR	c. 266, § 17	F
BREAKING AND ENTERING DAY, INTENT TO COMMIT FELONY	c. 266, § 18	F
BREAKING AND ENTERING RAILROAD CAR	c. 266, § 19	F
BREAKING AND ENTERING TRUCK, INTENT TO COMMIT FELONY	c. 266, § 20A	F
BREAKING AND ENTERING, INTENT TO COMMIT MISDEMEANOR	c. 266, § 16A	M
BRIBERY OF A POLICE OFFICER (state/local official or member of the judiciary)	c. 268A, § 2	F
BRIBERY/GIFTS TO INFLUENCE BUSINESS AFFAIRS	c. 271, § 39	F

Crime Name	MGL	Felony or Misdemeanor
BURGLARIOUS TOOLS, MAKE OR POSSESS	c. 266, § 49	F
BURGLARIOUS TOOLS, MOTOR VEHICLE MASTER KEY, MAKE OR POSSESS	c. 266, § 49	F
BURGLARY, ARMED	c. 266, § 14	F
BURGLARY, UNARMED	c. 266, § 15	F
BURNING BUILDING	c. 266, § 2	F
BURNING MOTOR VEHICLE OR PERSONAL PROPERTY	c. 266, § 5	F
BURNING TO DEFRAUD INSURANCE CO.	c. 266, § 10	F
BURN MOTOR VEHICLE, WILLFUL & MALICIOUS	c. 266, § 127	F
CIVIL RIGHTS VIOLATION, NO BODILY INJURY	c. 265, § 37	M
COMPOUNDING OR CONCEALING FELONY	c. 268, § 3	F
CONTRIBUTE TO DELINQUENCY OF CHILD	c. 119, § 63	M
CONFINE OR PUT IN FEAR TO STEAL OR ATTEMPT TO STEAL	c. 265, § 21	F
CREDIT CARD, LARCENY OR MISUSE OF	c. 266, § 37B	M
CREDIT CARD, UNAUTHORIZED USE, OVER $250	c. 266, § 37C	F
CRIMINAL HARASSMENT	c. 265, § 43A(a)	M
DANGEROUS WEAPON, CARRYING	c. 269, §§ 10(b) and 10(d)	F
DANGEROUS WEAPON, UNLAWFUL POSSESSION	c. 269, § 10(b)	F
DEFACEMENT OF REAL OR PERSONAL PROPERTY	c. 266, § 126A	F
DESTRUCTION OF PROPERTY OVER $250, MALICIOUS	c. 266, § 127	F
DISORDERLY CONDUCT	c. 272, § 53	M
DRUGS, LARCENY FROM AUTHORIZED PERSON	c. 94C, § 37	F
DRUGS, FAILURE TO KEEP RECORDS	c. 94C, § 15	M
DRUGS, ILLEGAL POSSESSION CLASS C SUBSTANCE	c. 94C, § 34	M
DRUGS, ILLEGAL POSSESSION CLASS D SUBSTANCE	c. 94C, § 34	M
DRUGS, ILLEGAL POSSESSESSION CLASS E SUBSTANCE	c. 94C, § 34	M
DRUGS, DISPENSE WITHOUT PRESCRIPTION OR WHEN NOT REGISTERED	c. 94C, § 25	M
DRUG PARAPHENELIA, DISTRIBUTE OR INTEND TO DISTRIBUTE	c. 94C, § 32I(a)	M
DRUG PARAPHENELIA, SELL TO MINOR	c. 94C, § 32I(B)	F
DRUGS, MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE	c. 94C, § 32	F

Crime Name	MGL	Felony or Misdemeanor
DRUGS, MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE	c. 94C, § 32A	F
DRUGS, MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE	c. 94C, § 32B	F
DRUGS, MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE	c. 94C, § 32C	F
DRUGS, MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE	c. 94C, § 32D(a)	M
DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE	c. 94C, § 32A	F
DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS A SUBSTANCE WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, MOTOR VEHICLE HOMICIDE, NEGLIGENT OPERATION	c. 90, § 24G(b)	F
DRUGS, POSSESS CLASS A SUBSTANCE	c. 94C, § 34	M
DRUGS, POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE	c. 94C, § 32(a)	F
DRUGS, POSSESS CLASS B SUBSTANCE	c. 94C, § 34	M
DRUGS, POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE	c. 94C, § 32A(a)	F
DRUGS, POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE	c. 94C, § 32B(a)	F
DRUGS, POSSESS CLASS C SUBSTANCE, SUBSEQUENT OFFENSE	c. 94C, § 34	M
DRUGS, POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE	c. 94C, § 32C(a)	F
DRUGS, POSSESS CLASS D SUBSTANCE, SUBSEQUENT OFFENSE	c. 94C, § 34	M
DRUGS, POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE	c. 94C, § 32D	M
DRUGS, POSSESS CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE, SUBSEQUENT OFFENSE	c. 94C, § 32(b)	F
DRUGS, POSSESS COUNTERFEIT SUBSTANCES WITH INTENT TO DISTRIBUTE	c. 94C, § 32G	F
DRUGS, POSSESS CLASS A SUBSTANCE WITH INTENT TO DISTRIBUTE WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, POSSESS CLASS B SUBSTANCE WITH INTENT TO DISTRIBUTE WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, POSSESS CLASS D SUBSTANCE WITH INTENT TO DISTRIBUTE WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, TRAFFICKING IN COCAINE WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, TRAFFICKING IN HEROIN WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, TRAFFICKING IN MARIJUANA WITHIN 1000 FT. SCHOOL	c. 94C, § 32J	F
DRUGS, UNLAWFULLY OBTAINING CONTROLLED SUBSTANCE	c. 94C, § 33	F
EMBEZZLEMENT	c. 266, §§ 51-52, 55-59	F

Crime Name	MGL	Felony or Misdemeanor
ENTER WITHOUT BREAKING, BLDG/SHIP/MOTOR VEHICLE, INTENT TO COMMIT A FELONY , PERSON IN FEAR	c. 266, § 17	F
ENTER WITHOUT BREAKING A DWELLING IN NIGHT, INTENT TO COMMIT FELONY	c. 266, § 18	F
ENTER WITHOUT BREAKING, TRUCK, WITH INTENT TO COMMIT FELONY	c. 266, § 20A	F
ESCAPE BY PRISONER	c. 268, § 16	F
ESCAPE, FURLOUGH	c. 268, § 16	F
EXPLOSIVES, THROWING	c. 266, § 102	F
EXPLOSIVES, THROW/PLACE/EXPLODE OR POSSESS WITH INTENT TO INJURE	c. 266, § 102	F
FIREARM, CARRYING LOADED RIFLE/SHOTGUN	c. 269, § 12D(a)	M
FIREARM, CARRYING LOADED OR UNLOADED FIREARM ON A PUBLIC WAY; UNENCLOSED CASE	c. 269, § 12D(b)	F
FIREARM, DISCHARGE WITHIN 500 FT. OF A BUILDING	c. 269, § 12E	M
FIREARM, DISCHARGE WITHIN 500 FT. OF A DWELLING OR NEAR HIGHWAY	c. 131, § 58	M
FIREARM LICENSE/ID CARD, FALSE	c. 140, § 131I	F
FIREARM, POSSESS WITHOUT FIRE ARMS ID	c. 269, § 10(h)	M
FIREARM, POSSESS OF, SERIAL/ID NUMBER OBLITERATED	c. 269, § 11C	F
FIREARM, POSSESS OF, SERIAL/ID NUMBER OBLITERATED, USED IN COMMISION OR ATTEMPTED COMMISION OF A FELONY	c. 269, § 11B	F
FIREARM, SELL WITHOUT LICENSE	c. 140, § 128	F
FIREARM, SHOTGUN, BARREL UND 18 “SAWED OFF”, POSSESS, SUBSEQUENT OFFENSE	c. 269, § 10(d)	F
FIREARM, SHOTGUN, BARREL UND 18 “SAWED OFF”, POSSESS	c. 269, § 10(c)	F
FIREARM UNATTENDED	c. 269, § 10(h)	F
FIREARM, UNLAWFUL POSSESSION, COMMISSION FELONY	c. 265, § 18B	F
FIREARM, SHOTGUN, UNLAWFUL POSSESSION	c. 140, § 129C	M
FIREARM VIOLATION, CARRY WITH AMMUNITION	c. 269, § 10(n)	M
FORGED INSTRUMENT, UTTER	c. 267, § 5	F
FUGITIVE FROM JUSTICE	c. 276, § 20A	M
GUN PERMIT, FALSE INFORMATION FOR	c. 140, § 129	M
HOAX DEVICE/SUBSTANCE, POSSESS/TRANSPORT/USE	c. 266, § 102A ½	F
INDECENT EXPOSURE	c. 272, § 53	M

Crime Name	MGL	Felony or Misdemeanor
INFERNAL MACHINE, POSSESS	c. 266, § 102A	F
KIDNAPPING MINOR BY RELATIVE	c. 265, § 26A	M
KILL BEAST, WILLFUL & MALICIOUS	c. 266, § 112	F
LARCENY, MOTOR VEHICLE OR TRAILER	c. 266, § 28	F
LARCENY, PERSON	c. 266, § 25	F
LARCENY, PERSON 65+	c. 266, § 25	F
LARCENY BY CHECK UNDER $250	c. 266, § 37	M
LARCENY BY CHECK OVER $250	c. 266, § 37	F
LARCENY FIREARM	c. 266, § 30	F
LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR	c. 266, § 20	F
LARCENY IN TRUCK/TRAILER	c. 266, § 20B	F
LARCENY OVER $250	c. 266, § 30	F
LARCENY UNDER $250	c. 266, §30	M
LARCENY, BANK EMPLOYEE OR OFFICER	c. 266, § 52	F
LEAVE SCENE AFTER PERSONAL INJURY, MOTOR VEHICLE	c. 90, § 24(2)(a1/2)(1)	M
LEWD & LASCIVIOUS CONDUCT	c. 272, § 53	M
LEWDNESS, OPEN & GROSS	c. 272, § 16	F
LIQUOR, PROCURE FOR MINOR	c. 138, § 34	M
MACHINE OR SAWED OFF SHOT GUN, POSSESSION OF	c. 269, § 10(c)	F
MACHINE GUN, POSSESSION OF WITHOUT LICENSE	c. 269, § 10(c)	F
MANSLAUGHTER BY OPERATING UNDER THE INFLUENCE	c. 265, § 13 ½	F
MEDICAL ASSISTANCE (MEDICAID) FRAUD	c. 118E, § 40	F
MEDICAL ASSISTANCE (MEDICAID) KICKBACK	c. 118E, § 41	F
MOTOR VEHICLE HOMICIDE, RECKLESS OPERATION	c. 90, § 24G(b)	F
MOTOR VEHICLE HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENT OR RECKLESS	c. 90, § 24G(a)	F
MOTOR VEHICLE, USE OF IN COMMISSION OF FELONY	c. 90, § 24(2)(a)	F
MOTOR VEHICLE HOMICIDE, UNDER INFLUENCE LIQUOR	c. 90, § 24G(b)	F
MOTOR VEHICLE HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENT OR RECKLESS	c. 90, § 24G(b)	F

Crime Name	MGL	Felony or Misdemeanor
MOTOR VEHICLE, OPERATING AFTER LICENSE REVOKED FOR DRUNK DRIVING	c. 90, § 23	M
MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, ALCOHOL	c. 90, § 24(1)(a)(1)	M
MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, ALCOHOL, 3RD AND SUBSEQUENT OFFENSE	c. 90, § 24(1)(a)(1)	F
MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, LIQUOR, 3RD AND SUBSEQUENT OFFENSE	c. 90, § 24	F
MOTOR VEHICLE, TAKE WITHOUT AUTHORITY, STEAL PARTS	c. 266, § 28	F
OBSCENE MATERIALS, POSSESS WITH INTENT TO DISTRIBUTE	c. 272, § 29	F
OBSCENE LITERATURE, SELL TO MINOR	c. 272, § 28	M
OBSTRUCTION OF JUSTICE	Common law	M [See c. 279, § 5 re: penalty for common law crimes.]
PERJURY	c. 268, § 1	F
PRESCRIPTION; FORGERY, ALTER	c. 94C, § 33(b)	F
PRESCRIPTION, UTTER FALSE	c. 94C, § 33	F
PRISONER, DELIVER ARTICLES TO OR FROM INMATE	c. 268, § 31	F
PRISONER, DELIVER DRUGS TO	c. 268, § 28	F
PROSTITUTION/SOLICITATION	c. 272, § 53A	M
PROSTITUTION, ENGAGING IN SEX “JOHN”	c. 272, § 53A	M
PROSTITUTION, KEEP HOUSE OF	c. 272, § 24	M
PROSTITUTE, SOLICIT FOR	c. 272, § 8	M
RESISTING ARREST	c. 268, § 32B	M
RIOT	c. 269, § 1	M
ROBBERY, UNARMED	c. 265, § 19(b)	F
ROBBERY, UNARMED, VICTIM 60+	c. 265, § 19(a)	F
SHOPLIFTING, 3RD OR SUBSEQUENT OFFENSE	c. 266, § 30A	M
STOLEN PROPERTY, RECEIVE, OVER $250	c. 266, § 60	F
STOLEN MOTOR VEHICLE, RECEIVE/BUY	c. 266, § 28(a)	F
TELECOMMUNICATIONS FRAUD	c. 166, § 42A	M
TELEPHONE CALLS, ANNOYING OR OBSCENE	c. 269, § 14A	M
UNNATURAL ACTS	c. 272, § 35	F

Crime Name	MGL	Felony or Misdemeanor
VANDALIZE CHURCH/SYNAGOGUE/CEMETERY	c. 266, § 127A	F
VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG	c. 266, § 98	F
WITNESS, INTIMIDATE OR RETALIATE AGAINST	c. 268, § 13B	F
CONSPIRACY TO COMMIT ANY OF ABOVE TABLE B CRIMES		
ATTEMPTS TO COMMIT ANY OF THE ABOVE TABLE B CRIMES		
ACCESSORY BEFORE ANY OF THE ABOVE TABLE B CRIMES		

REGULATORY AUTHORITY

101 CMR 15.00: M.G.L. c. 6A, § 16 and c. 71B, § 12C.