

HOUSE No. 1335

By Mr. Brownsberger of Belmont, petition of William N. Brownsberger and Michael E. Festa requesting the Massachusetts Sentencing Commission to make recommendations regarding criminal offender record information, motor vehicle license suspensions and other collateral consequences of criminal dispositions. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT REQUESTING THE MASSACHUSETTS SENTENCING COMMISSION TO MAKE RECOMMENDATIONS REGARDING CRIMINAL OFFENDER RECORD INFORMATION, MOTOR VEHICLE LICENSE SUSPENSIONS AND OTHER COLLATERAL CONSEQUENCES OF CRIMINAL DISPOSITIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter Two Hundred Eleven E of the General Laws is amended
- 2 by adding the following new section:—
- 3 “Section 5. (a) The commission shall author and transmit to the
- 4 General Court and to the Governor a report making recommenda-
- 5 tions as to the issues addressed in sub-section (c) and sub-section (e)
- 6 of this section. If the principal recommendations in the report are not
- 7 unanimously adopted by the commission, the report may include
- 8 dissenting comments.
- 9 (b) The report shall have no effect unless enacted into law.
- 10 (c) The report shall inventory, assess and make recommendations
- 11 as to the collateral consequences of conviction and other dispositions
- 12 of criminal cases under the laws of the Commonwealth, including
- 13 but not limited to:—
- 14 (i) the dissemination of criminal record information;
- 15 (ii) loss or restriction of driving privileges (to the extent imposed
- 16 as a result of non-motor-vehicle offenses);
- 17 (iii) loss or restriction of access to housing;
- 18 (iv) loss or restriction of employment opportunities;

- 19 (d) The following collateral consequences of conviction shall be
20 beyond the scope of the report:—
- 21 (i) sex offender registry and notification;
 - 22 (ii) DNA registry;
 - 23 (iii) immigration consequences;
 - 24 (iv) loss or restriction of any professional license;
 - 25 (v) loss or restriction of insurance coverage;
 - 26 (vi) state and federal sentencing enhancements;
 - 27 (vii) loss or restriction of driving privileges (to the extent imposed
28 as a result of motor vehicle offenses);
 - 29 (viii) loss or restriction of public contracting privileges;
 - 30 (ix) loss or restriction of firearm licensing.
- 31 (e) The report shall also make recommendations as to the effec-
32 tive allocation of authority between judges, prosecutors and regula-
33 tory agencies as to the imposition of collateral consequences.
- 34 (f) Before making its report, the commission shall conduct one or
35 more public hearings and also shall seek consultation from the Reg-
36 istrar of Motor Vehicles, the Criminal History Systems Board and
37 the Massachusetts Housing Partnership and such other officials and
38 authorities as it may deem helpful.