

**HOUSE . . . . . No. 1509**

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to creating Internet access to certain criminal offender record information. The Judiciary.

**The Commonwealth of Massachusetts**

PETITION OF:

Bradley H. Jones, Jr.	Robert S. Hargraves
Mary S. Rogeness	Karyn E. Polito
George N. Peterson, Jr.	Richard J. Ross
John A. Lepper	Susan Williams Gifford
Viriato Manuel deMacedo	Jeffrey Davis Perry
Paul K. Frost	Paul J. P. Loscocco
Bradford Hill	Todd M. Smola
Elizabeth A. Poirier	Donald F. Humason, Jr.

In the Year Two Thousand and Seven.

AN ACT ENHANCING PUBLIC SAFETY BY ESTABLISHING A CRIMINAL OFFENDER DATABASE.

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

1 SECTION 1. Section 167 of Chapter 6 of the General Laws, as  
2 appearing in the 2004 Official Edition, is amended by adding the  
3 following text after the word “incarceration” in line 28:—  
4 Notwithstanding the foregoing provisions, conviction information  
5 as well as custody status records, including information as to place-  
6 ment within the correctional system, shall be a public record avail-  
7 able to the public for any purpose, to be accessible on the Internet in  
8 accordance with Section 182 of this Chapter, provided the  
9 following:— (a) that conviction information shall also be available  
10 by writing to the board; (b) that no information shall be disclosed  
11 that identifies families members, friends, medical or psychological  
12 history, or any other personal information unless such information is  
13 directly relevant to such release or custody placement decision; and  
14 (c) that no information shall be provided if its release would violate  
15 any other state or federal law.

1 SECTION 2. Said section 167 of said Chapter 6 of the General  
2 Laws, as so appearing, is hereby further amended by adding the  
3 following new definition:—

4 “Conviction information” shall mean criminal offender record  
5 information, which has not been sealed or purged, and which dis-  
6 closes that a person has pleaded guilty or nolo contendere to, or was  
7 convicted of any criminal offense, and the information as to the indi-  
8 vidual’s current status within the criminal justice system, including,  
9 but not limited to, information as to whether the individual has been  
10 released from custody due to service of sentence, parole or proba-  
11 tion, or if incarcerated, the individual’s placement within the correc-  
12 tional system. Cases ending in the disposition of continued without  
13 a finding shall not be considered a conviction.

1 SECTION 3. Section 168 of said Chapter 6 of the General Laws,  
2 as so appearing, is hereby amended by adding the following para-  
3 graph after the fourth paragraph:—

4 The board shall establish and maintain a criminal offender data-  
5 base, so-called, that shall be accessible to the public on the internet.  
6 Said database shall consist of conviction information, and be search-  
7 able, at a minimum, by name, town and offense. The database shall  
8 also consist of information as to whether the offender is currently  
9 released from custody, on parole or probation, or if the offender is  
10 incarcerated, his or her placement within the correctional system.

1 SECTION 4. Section 168A of said Chapter 6 of the General  
2 Laws, as so appearing, is hereby amended by striking out the second  
3 paragraph in its entirety.

1 SECTION 5. Section 172 of said Chapter 6 of the General Laws,  
2 as so appearing, is hereby amended by adding the following words  
3 after the word “information” in line 3:— with the exception of con-  
4 viction information, which shall be a public record,

1 SECTION 6. Said section 172 of said Chapter 6 of the General  
2 Laws, as so appearing, is hereby further amended by adding the  
3 following words after the word “information” in line 57:— with the  
4 exception of conviction information, which shall be a public record,

1 SECTION 7. Said section 172 of said Chapter 6 of the General  
2 Laws, as so appearing, is hereby further amended by striking out the  
3 seventh paragraph, contained in lines 97 through 112, in its entirety,  
4 and inserting in place thereof the following paragraphs:—

5 Notwithstanding the foregoing provisions, conviction information  
6 shall be public record to be accessible to the general public on the  
7 internet, in accordance with Section 168 of this chapter provided the  
8 following:— (a) that conviction information shall also be available  
9 by writing to the board; (b) that no information shall be disclosed  
10 that identifies families members, friends, medical or psychological  
11 history, or any other personal information unless such information is  
12 directly relevant to such release or custody placement decision; and  
13 (c) that no information shall be provided if its release would violate  
14 any other state or federal law.

15 The parole board, except as required by Section 130 of Chapter  
16 127, the department of correction, a county correctional authority, or  
17 probation department with the approval of a justice to the appro-  
18 priate division of the trial court, may, in its discretion, make avail-  
19 able a summary, which may include references to evaluative  
20 information, concerning a decision to release an individual on a per-  
21 manent or temporary basis, to deny such release, or to change his  
22 custody status.

1 SECTION 8. Section 173 of said Chapter 6 of the General Laws,  
2 as so appearing, is hereby amended by adding the following words  
3 after the word “information” in line 2:— with the exception of con-  
4 viction information, which shall be a public record,

1 SECTION 9. Said section 173 of said Chapter 6 of the General  
2 Laws, as so appearing, is hereby further amended by striking out the  
3 words “shall require preservation of the anonymity of the individuals  
4 to whom such information relates” in lines 3 and 4.

1 SECTION 10. Said section 173 of said Chapter 6 of the General  
2 Laws, as so appearing, is hereby further amended by adding the  
3 following words after the word “information” in line 12:— with the  
4 exception of conviction information, which shall be a public record