

HOUSE No. 1595

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr. relative to criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO CRIMINAL OFFENDER INFORMATION.

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 172 of chapter 6 of the General Laws is
2 hereby amended in its first paragraph by inserting after the second
3 sentence the following sentence: Agencies, other entities or individ-
4 uals granted access under clause (c) shall receive criminal offender
5 record information limited to conviction and case pending
6 information.

1 SECTION 2. The first paragraph of said section 172 is hereby
2 further amended by adding at the end thereof the following sentence:
3 When an agency, entity or individual, pursuant to a grant of access
4 under clause (c) receives criminal offender record information for
5 assistance in deciding whether to offer or grant employment,
6 housing, admission to an educational or training program, insurance,
7 a loan of money or credit or other benefit to the person who is the
8 subject of such information, such agency, entity or individual shall
9 share the information with the person and discuss it with him pri-
10 vately before making such decision.

1 SECTION 3. Section 4 of chapter 151B of the General Laws is
2 hereby amended in subdivision 9 by striking the first paragraph and
3 inserting in place thereof the following paragraph: For an employer,
4 himself or through his agent, in connection with an application for
5 employment or the terms, conditions, or discharge of any person or
6 in any other matter relating to the employment of any person, to
7 request any information, to use any form of application or applica-

8 tion blank which requests such information, or to exclude, limit or
9 otherwise discriminate against any person by reason of his failure to
10 furnish such information through a written application or oral
11 inquiry or otherwise regarding criminal offender record information,
12 which shall be obtained, if at all, from the criminal history systems
13 board, pursuant to section section 172 or other applicable sections of
14 chapter 6 of the General Laws and all applicable regulations and
15 certifications thereunder.

1 SECTION 4. Section 100A of chapter 276 of the General Laws is
2 hereby amended in its first paragraph by striking, in the second sen-
3 tence, clauses (1) and (2) and inserting in place thereof the following
4 clauses: (1) that said person's court appearance and court disposition
5 records, including termination of court supervision, probation or
6 sentence for any misdemeanor occurred not less than five years prior
7 to said request; (2) that said person's court appearance and court
8 disposition records, including termination of court supervision,
9 probation or sentence for any felony occurred not less than eight
10 years prior to said request;.

1 SECTION 5. Said section 100A is hereby further amended in its
2 first paragraph, second sentence, by striking clause (3) and inserting
3 in place thereof the follow clause: (3) that said person had not been
4 found guilty within the commonwealth in the ten years preceding
5 such request of any criminal offense punishable by incarceration for
6 one year or more.

1 SECTION 6. Said section 100A is hereby further amended by
2 striking the fifth paragraph and inserting in place thereof the
3 following paragraph:

4 An application for employment used by an employer shall not
5 inquire, nor shall an employer inquire orally, about criminal offender
6 record information, which shall be obtained, if at all, from the crim-
7 inal history systems board, pursuant to section 172 or other applic-
8 able sections of chapter 6 of the General Laws and all applicable
9 regulations and certifications thereunder.

1 SECTION 7. There is hereby established a temporary special
2 commission to study the feasibility, probable direct and indirect

3 costs and benefits and overall usefulness of changing the tax laws of
4 the commonwealth to provide a tax credit to employers who or
5 which hire ex-offenders. The commission shall consist of seven
6 members, three of whom shall be appointed by the governor and two
7 each by the senate president and the speaker of the house. The
8 members appointed by the governor shall include persons who are
9 likely to represent the interests of employers, employees and ex-
10 offenders, respectively. Members of the commission may organize,
11 elect a chair and seek funding for staff as soon as a majority of the
12 members have been appointed. The commission shall, nine months
13 after receiving its appropriation, submit its report and recommenda-
14 tions to the governor, the senate president and the speaker of the
15 house.