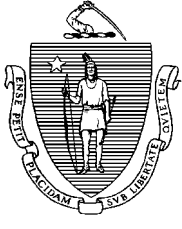


# SENATE NO. 821



## **AN ACT** RELATIVE TO AN APPEAL TO A CORI REPORT FOR THOMAS GRASSIA

*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. Notwithstanding any general or special law to the contrary, the criminal case  
2 known as Commonwealth vs. Thomas Grassia, Framingham District Court, Docket No.  
3 0449CR2243, whereby after final judgment, the charges brought against the accused, Thomas  
4 Grassia, were dismissed and findings of no probable cause were entered, all police and court  
5 records and records of any prosecuting attorney, including all records and documentation  
6 prepared and maintained by the Office of the District Attorney pertaining to such charge, all  
7 records of the Criminal History Systems Board pertaining to such charge, all records of the  
8 Framingham Police Department concerning this matter, including but not limited to booking  
9 photos, reports, and fingerprints pertaining to such charge, all records of the Massachusetts  
10 State Police pertaining to such charge, shall be destroyed upon the expiration of the time for  
11 additional judicial proceedings or the time to take an appeal, or upon final disposition if an  
12 appeal is taken.

13 Section 2. Notwithstanding any general or special law to the contrary in the criminal case  
14 known as Commonwealth vs. Thomas Grassia, Framingham District Court, Docket No.  
15 0449CR2243, whereby final judgment, the charges brought against the accused, Thomas  
16 Grassia, were dismissed and findings of no probable cause were entered, the Massachusetts  
17 State Police shall request that the Federal Bureau of Investigation and the National Crime  
18 Information Center return or otherwise delete all references pertaining to such charge.

19 Section 3. In the criminal case known as Commonwealth vs. Thomas Grassia, Framingham  
20 District Court, Docket No. 0449CR2243, whereby final judgment, the charges brought against  
21 the accused, Thomas Grassia, were dismissed and findings of no probable cause were entered,  
22 the clerk of the court or any person charged with retaining such records within the trial court of  
23 the Commonwealth or any law enforcement agency having information contained in such  
24 erased records shall not disclose to anyone, except the subject of the records, upon submission  
25 pursuant to guidelines prescribed by the Chief Justice for Administration and Management of  
26 satisfactory proof of the subject's identity, information pertaining to any charge erased under  
27 any provision of this section and such clerk or person charged with the retention and control of  
28 such records shall forward a notice of such erasure to any law enforcement agency to which he  
29 knows information concerning the arrest has been disseminated and such disseminated  
30 information shall be erased from the records of such law enforcement agency. Such clerk or  
31 such person, as the case may be, shall provide adequate security measures to safeguard against  
32 unauthorized access to or dissemination of such records or upon the request of the accused  
33 cause the actual physical destruction of such records. No fee shall be charged in any court with  
34 respect to any petition under this section. Thomas Grassia, who shall have been the subject of

35 such an erasure shall be deemed to have never been arrested within the meaning of the general  
36 statutes with respect to the proceedings so erased and may so swear under oath.

37 Section 4. Upon motion properly brought before a judge of the superior court, said judge may  
38 order disclosure of such records (1) to a defendant in an action for false arrest arising out of the  
39 proceedings so erased or (2) to the prosecuting attorney and defense counsel in connection with  
40 any perjury charges which the prosecutor alleges may have arisen from the testimony elicited  
41 during the trial. Such disclosure of such records is subject also to any records destruction  
42 program pursuant to which the records may have been destroyed. The jury charge in connection  
43 with the erased offenses may be ordered by the judge for use by the judiciary, provided the  
44 names of the accused and the witnesses are omitted therefrom.

45 Section 5. For the purposes of this act, "court records" shall not include a record or transcript of  
46 the proceedings made or prepared by an official court reporter, assistant court reporter or  
47 monitor.