

108 CMR 15.00: CRIMINAL OFFENDER RECORD CHECKS

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15.01: Purpose

The purpose of 108 CMR 15.00 is to establish a core standardized policy and procedure for the Executive Office of Veterans' Services (EOVS), its agencies, and vendor programs regarding the review of criminal records of candidates for employment, applicants to the state operated veterans' homes, and volunteers.

15.02: Policy

It is the policy of EOVS 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 EOVS, and its agencies are protected. It is also the policy of EOVS 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. Without limitation, a criminal background check is also an important step in screening potential residents for admission to state-operated veteran homes, providing that rehabilitated individuals who pose no threat to current residents or clients should be given an equal and fair consideration for admission. It is the policy of EOVS that convictions of certain crimes may pose an unacceptable risk to the vulnerable populations served by EOVS and its vendor agencies.

15.03: Scope

(1) Upon completion of registration with the Department of Criminal Justice Information Services(DCJIS), criminal history information shall be required and only considered with respect to the following categories of applicants and employees of EOVS, its agencies, and vendor programs:

- (a) applicants and employees seeking a position that entails the potential for unsupervised contact with program residents or clients.
- applicants and employees for whom a CORI is necessary to comply with other legal requirements, or for whom a CORI is otherwise deemed by EOVS, its agencies, or vendor programs to be relevant to the duties and qualifications of the position; and
- (b) employees who apply for a new position that falls within the scope of 108 CMR 15.03(1)(a) or (b).
- (c) Applicants or employees being considered for positions detailed as key staff by the Secretary.

(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 that did not appear on the prior CORI.

15.03: continued

(3) No entities or persons who are contracted by EOVS or who receive a grant from EOVS are subject to 108 CMR 15.00 solely by virtue of their status as EOVS providers, licensees, or grant recipients. Notwithstanding the foregoing, nothing in 108 CMR 15.00 should be construed to limit a program from considering a person's CORI or other criminal record information when determining if they may participate in the program, be licensed, or receive a grant.

(4) Notwithstanding anything in 108 CMR 15.00, a CORI is not required for EOVS and employees who, as of July 1, 2023, and for vendor program employees, who, as of July 1, 2023, 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 EOVS regulations applicable when the employee was hired.

(5) Notwithstanding anything in 108 CMR 15.00, EOVS 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 108 CMR 15.00 and as if the crime had occurred in Massachusetts. Such review shall comply with the regulations of the Department of Criminal Justice Information Systems in all particulars, including notice to the subject, a copy of the source information, and a right to explain.

(6) The procedures under 108 CMR 15.06 through 15.09 shall be followed for all positions that fall within the scope of 108 CMR 15.03.

15.04: Definitions

Applicant. Any person seeking employment with EOVS or their vendor programs, including current employees seeking new positions.

Candidate. Any person who is first determined 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 EOVS, or their vendor programs, services.

CORI Cleared Employee. Any candidate hired as an employee after the hiring authority completed all requirements of 108 CMR 15.00.

CORI Coordinator. The person designated by the hiring authority to send requests and receive responses from the Department of Criminal Justice Information Services (DCJIS).

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

Criminal Offender Record Information (CORI). Information recorded as a result of criminal proceedings or any consequent related proceedings and regulated by the Department of Criminal Justice Information Services under 803 CMR 2.00: *Criminal Offender Record Information (CORI)*.

Department of Criminal Justice Information Services (DCJIS). The Commonwealth agency statutorily designated to, among other things, provide a public safety information system and network to support data collection, information sharing, and interoperability for the Commonwealth's criminal justice and law enforcement community and to oversee the authorized provision of Criminal Offender Record Information (CORI) to the non-criminal justice community.

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 108 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.

15.04: continued

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.

EOVS. The Executive Office of Veterans' Services.

EOVS Funded or Operated Program. Any program operated by EOVS or their vendor programs that provides Veteran services for or on behalf of EOVS or its clients in accordance with a contract.

Hiring Authority. The person or persons legally authorized or designated to make hiring decisions within EOVS or an EOVS vendor program. 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 shows no information relating to the candidate is available for release to EOVS or their vendor programs. 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 or admission to an EOVS operated facility.

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 108 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.

Resident. A resident is considered a Veteran who is living in one of the state operated veterans' homes.

Vendor Program. A program, administered by an individual, corporation, partnership, organization, trust, association, or other entity, that provides services to EOVS or EOVS clients under a contract issued by EOVS.

Volunteer. Any person who works in an unpaid capacity for EOVS or vendor program. For the purposes of 108 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.

15.05: Application Forms

(1) Disclosure of Criminal Records. 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.

(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 employment.

15.05: continued

(b) All candidates must complete an appropriate CORI Acknowledgement Form and in accordance with DCJIS regulations at 803 CMR 2.00: *Criminal Offender Record Information (CORI)*, the hiring authority shall verify the candidate's identity by forms of documentation as determined by DCJIS. If the hiring authority is unable to verify a subject's identity and signature in person, the subject may submit a completed CORI Acknowledgment Form acknowledged by the candidate before a notary public.

15.06: 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 108 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 101 CMR 15.03(1).

(3) 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.

(4) CORI investigations that show findings of criminal records are sent immediately to the hiring authority for review and action consistent with 108 CMR 15.00.

(5) Some EOVS functions are conducted at different levels of authorized access under the CORI regulations. The hiring authority must determine that they run the CORI report at the correct level of access. The report of findings, or no record, must reflect the correct level of access.

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

(1) If the CORI investigation reveals a conviction of a 108 CMR 15.15: *Table B* crime that is a felony more than ten years old, or a 108 CMR 15.15: *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 entries. For purposes of computing the five and ten-year time periods, the 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) Storage, retention, and destruction of all CORI reports, including those with a finding of "no record", shall be in accordance with DCJIS regulations at 803 CMR 2.00: *Criminal Offender Record Information (CORI)*.

15.08: Findings from CORI Investigation – Crimes Subject to Review

(1) If the CORI investigation reveals a conviction for a 108 CMR 15.15: *Table A* crime, regardless of when it occurred, or a pending 108 CMR 15.15: *Table A* crime, or a conviction of a 108 CMR 15.15: *Table B* crime within the five- and ten-year time periods referenced under 108 CMR 15.08(1), or a pending 101 CMR 15.15: *Table B* crime, the hiring authority will consider 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;

## 15.08: continued

- (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 EOVS, will also make a written determination of its decision to hire or not hire such a candidate. This form will document the factors considered and the rationale for the hiring authority's decision. A copy of the 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 108 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 EOVS 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 EOVS Secretary or their designee. The hiring authority will not proceed to hire the candidate for five business days from the date the EOVS Secretary or their designee receive the form. During such time, the EOVS Secretary or their designee 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 EOVS Secretary 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) EOVS may require that the hiring authority's review include the following:

1. 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
2. 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.

(4) If the hiring authority does not wish to hire a candidate who has been convicted of a 108 CMR 15.15: *Table A* crime, or a 108 CMR 15.15: *Table B* crime within the five- and ten-year time periods referenced under 108 CMR 15.08(1), the prescribed form will be completed as outlined in 108 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 DCJIS under 803 CMR 2.00: *Criminal Offender Record Information (CORI)*, including

- (a) providing a candidate with a copy of his or her CORI, EOVS CORI regulations, and DCJIS 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 DCJIS, reviewing the information with the candidate and informing him or her of the decision.

15.09: Post Audit and Compliance Review

(1) EOVS may conduct a periodic review of all documentation of compliance with 108 CMR 15.00, including written determinations of hiring decisions of candidates.

(2) If such review or other relevant information obtained by EOVS raises concerns about the hiring authority's compliance, EOVS may require the hiring authority to submit documentation for all hiring decisions and provide EOVS five business days to disapprove any decision to hire. EOVS 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 108 CMR 15.10(2), in the event of noncompliance by a vendor program with any provision under 108 CMR 15.00, EOVS may terminate the vendor's contract or take such other action it determines appropriate. Such action may include requiring that the vendor indemnify EOVS for potential or actual liability for breaches of this regulation or proper CORI handling practices as outlined by DCJIS.

15.10: Dissemination

CORI records may be disseminated only to individuals, such as the hiring authority or CORI Coordinator, designated by the agency or vendor program to receive such information, and included in the agency or vendor's need to know list. The hiring authority will maintain a listing of persons so designated. Any further dissemination shall be in accordance with DCJIS regulations at 803 CMR 2.00: *Criminal Offender Record Information (CORI)*, and a log of such secondary dissemination shall be maintained in accordance with DCJIS regulations. 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, or in the case of dissemination by an entity that is not a natural person, a fine of up to \$50,000. Further in the case of dissemination of juvenile delinquency records such fine may be up to \$7,500 and if by an entity not a natural person, up to \$75,000.

15.11: Incidents

If a hiring authority receives an allegation that an EOVS or vendor program employee whose CORI contained a record has harmed a client, the hiring authority will immediately report the allegation to the EOVS General Counsel. Notification will include documentation of the hiring decision of the hiring authority.

15.12: Agency Regulations

108 CMR 15.00 is intended to supersede any regulation or use policy by EOVS, the state-operated veteran homes, or EOVS contractors on the use of CORI for employment purposes. To the extent that any of the aforementioned may conflict, 108 CMR 15.00 will take precedence.

15.13: Severability

If any provisions of 108 CMR 15.00 or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, the other provisions of said 108 CMR 15.00 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.

15.14: Tables of Offenses

The offenses included in 108 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.

15.14: continued

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, AGGRAVATED	c. 265, § 13A(b)
ASSAULT & BATTERY, DANGEROUS WEAPON, AGGRAVATED	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 PERSON WITH INTELLECTUAL DISABILITY	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
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 <sup>1</sup> / <sub>2</sub> )

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15.14: continued

Crime Name	MGL
EXPLOSION, MALICIOUS	c. 266, § 102B (c. 266, § 101 prior to July 15, 2010)
EXTORTION	c. 265, § 25
FIREARM, ARMED CAREER CRIMINAL	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, § 13B <sup>1</sup> / <sub>2</sub>
INDECENT ASSAULT & BATTERY ON CHILD UNDER 14, AGGRAVATED, SUBSEQUENT EVENT	c. 265, § 13B <sup>3</sup> / <sub>4</sub>
INDECENT ASSAULT & BATTERY ON DISABLED/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, §§ 105(b) and (c) c. 272, §§ 104(b) and (c) prior to March 7, 2014
PRESCRIPTION; FORGERY, ALTER, SUBSEQUENT OFFENSE	c. 94C, § 33(c)
PROSTITUTION, DERIVE SUPPORT FROM	c. 272, § 7
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 18); PROSTITUTION/SOLICITATION (With person under 14); Prior to February 19, 2012	c. 272, § 53A(b)
RAPE	c. 265, § 22(b)
RAPE, AGGRAVATED	c. 265, § 22(a)



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15.14: continued

<b>Crime Name</b>	<b>MGL</b>
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 18, PAY FOR OR FOR FEE; SEXUAL CONDUCT WITH CHILD UNDER 14, PAY FOR OR FOR A FEE; Prior to February 19, 2012	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

<b>Crime Name</b>	<b>MGL</b>	<b>Felony or Misdemeanor</b>
ABANDON CHILD UNDER 10	c. 119, § 39	M
ACCESSORY AFTER FACT (VARIABLE)	c. 274, § 4	F
ACCOSTING; LEWD & LASCIVIOUS CONDUCT; INDECENT EXPOSURE	c. 272, § 53	M
AFFRAY, SUBSEQUENT OFFENSE AFFRAY (Prior to August 1, 2009)	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

15.14: continued

<b>Crime Name</b>	<b>MGL</b>	<b>Felony or Misdemeanor</b>
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. 266, § 102. c. 148, § 35 prior to July 15, 2010	F (M prior to July 15, 2010)
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
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

15.14: continued

<b>Crime Name</b>	<b>MGL</b>	<b>Felony or Misdemeanor</b>
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, § 36	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 POSSESSION 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
DRUGS, MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE	c. 94C, § 32A	F

15.14: continued

Crime Name	MGL	Felony or Misdemeanor
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 IN, ON, OR NEAR SCHOOL/PARK	c. 94C, § 32J	F
DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE IN, ON, OR NEAR SCHOOL/PARK	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)	M
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	M
DRUGS, POSSESS CLASS A SUBSTANCE WITH INTENT TO DISTRIBUTE IN, ON, OR NEAR SCHOOL/PARK	c. 94C, § 32J	F
DRUGS, POSSESS CLASS B SUBSTANCE WITH INTENT TO DISTRIBUTE IN, ON, OR NEAR SCHOOL/PARK	c. 94C, § 32J	F

15.14: continued

Crime Name	MGL	Felony or Misdemeanor
DRUGS, POSSESS CLASS D SUBSTANCE WITH INTENT TO DISTRIBUTE IN, ON, OR NEAR SCHOOL/PARK	c. 94C, § 32J	F
DRUGS, TRAFFICKING IN COCAINE IN, ON, OR NEAR SCHOOL/PARK	c. 94C, § 32J	F
DRUGS, TRAFFICKING IN HEROIN IN, ON, OR NEAR SCHOOL/PARK	c. 94C, § 32J	F
DRUGS, TRAFFICKING IN MARIJUANA IN, ON OR NEAR SCHOOL/PARK	c. 94C, § 32J	F
DRUGS, UNLAWFULLY OBTAINING CONTROLLED SUBSTANCE, FALSE PRESCRIPTION, FRAUD, FALSE REGISTRATION	c. 94C, § 33	F
EMBEZZLEMENT	c. 266, §§ 51-52, 55-59	F
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	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	c. 269, § 11B	F
FIREARM, SELL WITHOUT LICENSE	c. 140, § 128	F

## 108 CMR: DEPARTMENT OF VETERANS' SERVICES

15.14: continued

<b>Crime Name</b>	<b>MGL</b>	<b>Felony or Misdemeanor</b>
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, § 19	M
GUN PERMIT, FALSE INFORMATION FOR	c. 140, § 129	M
HOAX DEVICE/SUBSTANCE, POSSESS/TRANSPORT/USE	c. 266, § 102A½ c. 266, § 102 prior to July 15, 2010	F
INDECENT EXPOSURE	c. 272, § 53	M
INFERNAL MACHINE, POSSESS	c. 266, § 102A c. 266, § 102 prior to July 15, 2010	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

## 108 CMR: DEPARTMENT OF VETERANS' SERVICES

15.14: continued

<b>Crime Name</b>	<b>MGL</b>	<b>Felony or Misdemeanor</b>
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, § 13½	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
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, 3 <sup>RD</sup> AND SUBSEQUENT OFFENSE	c. 90, § 24(1)(a)(1)	F
MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, LIQUOR, 3 <sup>RD</sup> 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	F
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

108 CMR: DEPARTMENT OF VETERANS' SERVICES

15.14: continued

<b>Crime Name</b>	<b>MGL</b>	<b>Felony or Misdemeanor</b>
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, 3 <sup>RD</sup> 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
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

108 CMR 15.00: M.G.L. c. 115, § 2 and c. 115A, § 13.