

SIDE-BY-SIDE SUMMARY OF New CORI Law (Chapter 256 of the Acts of 2010) & Current CORI Law

Prepared by Fran Fajana, MLRI; Pauline Quirion, GBLS; & Steve Russo, LARC (January 2011)

Current Law	SB 2583*	Effective Date of New Law
	SECTION 1 of the new law makes a technical correction to § 116C of chapter 6, which governs training for regional and municipal police, by changing criminal history systems board ('CHSB') to the "department of criminal justice information services," hereinafter 'CJIS.'	November 2010
G.L. c. 6, § 167, of the current law provides definitions applicable to §§ 168 through 178	SECTION 2 makes a technical correction to § 167, by making its definitions applicable to §§ 168-178L.	May 4, 2012
G.L. c. 6, § 167 - definitional section	SECTION 3 amends § 167, by adding the following definitions: <ul style="list-style-type: none"> • "All available criminal offender record information" - meaning adult and youthful offender convictions, non-convictions and pending criminal court appearances, but excluding criminal records sealed under c. 94C § 34; c. 276 §§ 100A to 100C, inclusive, or the existence of such records; • "Board" - meaning the criminal record review board established under § 168; and • "Commissioner" - meaning the new commissioner of the dept of CJIS. 	May 4, 2012
G.L. c. 6, § 167	SECTION 4 modifies the definition of CORI by a) adding Massachusetts before the term criminal justice agency in second line; b) using the number 17 instead of	May 4, 2012

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	its spelling; and c) adding “department” to refer to the new dept of CJIS.	
G.L. c. 6, § 167	SECTION 5 adds a definition for “Executive office” – the executive office of public safety and security, i.e. ‘EOPSS’.	May 4, 2012
G.L. c. 6, § 167	SECTION 6 adds the definition for “Person” --a natural person, corporation, association, partnership or other legal entity.	May 4, 2012
G.L. c. 6, § 167	SECTION 7 further modifies the definitional section by a) deleting the definition of “purge” and b) adding the following definitions: <ul style="list-style-type: none"> • “Requestor” – meaning an entity or person, other than a criminal justice agency, submitting a CORI request to the dept of CJIS; • “Secretary” – meaning secretary of EOPSS; • “Self-audit” – meaning an inquiry made by a subject or by the subject’s designated advocate or agent to obtain a log of all inquiries to the department by any requestor for the subject’s CORI, but excluding any information relative to any query conducted by a criminal justice agency; and • “Subject” – meaning an individual for whom a CORI request is submitted. 	May 4, 2012
	SECTION 8 inserts a new section, § 167A, into G.L. c. 6, which creates the Department of Criminal Justice Information Services (dept of CJIS) within the executive	November 2010

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	<p>office of public safety and security.</p> <p>The <u>department</u> is responsible for providing and controlling the instillation, operation and maintenance of data processing and communication system (“public safety system”), which includes the criminal justice information system. The system will be designed to work effectively and efficiently with public safety information and connect with other systems in this and other states as appropriate. The department shall provide access to the system to criminal justice agencies.</p> <p>The <u>department</u> may promulgate rules and regulations, hear and investigate complaints regarding misuse of the system, issue penalties and sanctions, or decide via the commissioner to refer complaints to the criminal record review board, or state or federal agencies.</p> <p>The <u>department</u> may also promulgate rules and regulations about the administration and enforcement of section 167A, the implementation of the system; and dissemination, content and use of CORI. Consumer reporting agencies are required to follow any such CORI rules (not in conflict with the Federal Fair Credit Reporting Act).</p> <p>The <u>department</u> must ensure that backlog on CORI</p>	
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	<p>requests does not develop and must take action to remediate the cause of the backlog.</p> <p>The <u>department</u> also can enter into contracts and agreements, and accept gifts, grants, contributions and funds from any government, individual or entity in connection with its work and deposit the funds with the state treasurer.</p> <p>A <u>commissioner</u>, who will be the head of the dept. of CJIS, will be appointed by the secretary of public safety and security and will be responsible for all data processing, the management of the system and all personnel supervision and appointment.</p>	
G.L. c. 6, § 168, ¶1, created a criminal history systems board (CHSB) and defined its membership	SECTION 9 makes the following changes to § 168: (1) adds an additional member to the board – the secretary of labor and workforce development; (2) grants the governor the ability to appoint ten persons to the board, all of whom are the same as the current law, with the exception of a few new additions/changes (a) adds a provider of victim services, (b) adds two individuals who have experience in either workforce development, ex-offender rehabilitation or economic development, and (c) a reduction from four to two individuals with experience with the issue of personal privacy.	November 2010 (But will dissolve in 2012 by operation of § 12)
G.L. c. 6, § 168, ¶ 2, imposes penalties of \$500 for willful violation of CORI rules	SECTION 10 amends § 168 by <u>increasing</u> amount the department can fine to up to \$5,000 for a 3 rd violation. The first and second sanctions are \$1,000 and \$2,500,	November 2010

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	respectively.	
G.L. c. 6, § 168, ¶¶ 4 & 6 require the CHSB to make annual reports to the governor and legislature and enter into contracts	SECTION 11 strikes ¶¶ 4 & 6 of § 168.	November 2010
G.L. c. 6, § 168, established the board of the CHSB and its membership and meetings; its control over the CORI system; grant of CORI access to housing authorities; reports to the governor and legislature and entering into contracts	SECTION 12 strikes out § 168 in its entirety, and replaces it with a new § 168. ¶ (a) creates a new Criminal Record Review Board (CRRB) within the dept of CJIS, whose membership will be similar to the current CHSB board, but with the most significant difference being the governor will be allowed to appoint only five persons. Also includes meeting provisions, and service without compensation. ¶ (b) authorizes the board to hear complaints and investigate incidents alleging: (1) an individual or agency has made or received a CORI request and failed to provide the subject with the CORI prior to questioning the subject about his/her criminal history in connection with a decision regarding employment, volunteer opportunities, housing or professional licensing, OR in connection with an adverse decision on such an application on the basis of the CORI, (2) any violations of c. 6 §§ 168 to 178A, or (3) any violations of board rules and regulations. --The CRRB may appoint a hearing panel, issue ruling and enforce its decision. But the board may not sanction or issue an order against	May 4, 2012

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	<p>law enforcement when acting in good faith in furtherance of their official duties. --The CRRB also may charge and collect a fee for filing a complaint, which may be waived upon a finding of indigency. Additionally, this section provides guidelines for declarations, filing of answers, witness testimony, discovery, and hearing rules and procedures. --The CRRB also must make annual report of the volume and disposition of complaints, without identifying information, to the governor and file a copy with the secretary of state, attorney general, clerk of the House of Representatives and clerk of the Senate. Additionally, a copy will be made available to the public upon request.</p>	
G.L. c. 6, § 168A, authorizes transmission of CORI to CHSB	SECTION 13 strikes CHSB from § 168A, and replaces it with the new dept. of CJIS.	November 2010
G.L. c. 6, § 168B, authorizes the CHSB to promulgate regulations	SECTION 14 strikes CHSB from § 168B, and replaces it with the new dept. of CJIS.	November 2010
G.L. c. 6, § 168C, authorizes post-secondary institutions to transmit crime report to the CHSB	SECTION 15 strikes CHSB from § 168C, and replaces it with the new dept. of CJIS.	November 2010
G.L. c. 6, § 171, authorizes the CHSB to promulgate regulation regarding auditing and accuracy of CORI	SECTION 16 strikes CHSB from first sentence of § 171, and replaces it with the new dept. of CJIS.	May 4, 2012
G.L. c. 6 § 171, ¶1 also permits the board	SECTION 17 strikes the CHSB's authority to purge	May 4, 2012

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to promulgate regulations regarding purging CORI, when purging is required by statute or administrative regulations, or order of a court or to correct errors	records under § 171.	
G.L. c. 6, § 171, ¶ 3 permits an individual denied access to evaluative information to appeal the denial to the board and spells out the appeal procedure	SECTION 18 strikes from § 171, the appeal process granted to an individual aggrieved by a decision to deny access to evaluative information.	May 4, 2012
	SECTION 19 inserts a new section, § 171A, which requires in decisions involving (a) employment, (b) volunteer opportunities, (c) housing, or (d) professional licensure, a person in possession of an applicant's CORI must provide the applicant with a copy of the CORI, regardless of the source (i.e. from the department or other source), in two situations: (1) <u>prior to</u> questioning the applicant about the person's criminal history, and (2) if the person makes an adverse decision based on the applicant's criminal history record. But the CORI does not have to be provided twice (i.e. once is sufficient). i) Failure to comply with this section may subject the person to a hearing before the board and sanctions. ii) An entity or person who conducts five or more criminal background checks must create and maintain a written CORI policy. This policy shall state that it will: (*) notify the applicant of potential adverse decision	May 4, 2012

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	<p>based on the CORI, (**) provide a copy of the CORI and policy to the applicant, and (***) provide information on how to correct an erroneous CORI.</p> <p>iii) An entity is not prohibited from making an adverse decision based on CORI.</p> <p>iv) Nothing in this section gives an independent cause of action under 151B or a claim for an adverse employment decision.</p>	
<p>G.L. c. 6, § 172, governs dissemination of CORI; certification; eligibility for access; scope of inquiry; listing; access limited; rules; use of information. Currently, the law authorizes the dissemination of CORI when the public interest in providing it outweighs privacy and security</p>	<p>SECTION 20 amends § 172 (c) to insert the requirement that the board also weigh the importance and value of successful reintegration of ex-offenders in making the decision to grant an entity access to CORI.</p>	<p>May 4, 2012</p>
<p>G.L. c. 6, § 172, more fully, authorizes the dissemination of CORI, either directly or through an intermediary, and with certain restrictions, to:</p> <ol style="list-style-type: none"> 1. Criminal justice agencies, 2. Other agencies and individuals authorized by statute, 3. Any other agencies or individuals if dissemination to them outweighs privacy and security interests of 	<p>SECTION 21 strikes § 172 in its entirety and replaces it with a new § 172:-</p> <p>(a) requires the department to maintain CORI in an electronic database, accessible on the world wide web and catalogues a list of accessors and the scope of their access.</p> <p><u>Requestors & Scope:</u></p> <ol style="list-style-type: none"> 1. <u>Criminal justice agencies</u> - all CORI, including sealed records, for actual performance of their duties, <u>licensing authorities</u> - all CORI, including 	<p>May 4, 2012</p>

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<p>persons with CORI.</p> <p>--Prior to granting a CORI request, the board must certify the requestors seeking the CORI for numbers 1 and 2 above, define the scope of access and make a finding of eligibility in writing. Each agency who receives a CORI must keep a list of agencies or individuals it has released the information to for a period determined by the board.</p> <p>--Section 172 also provides the necessary information required to approve a CORI, such as fingerprints, name and other personal information. The board must adopt rules to prevent dissemination based on offenses, unless the request is made by a criminal justice agency.</p> <p>--Additionally, except as authorized, it is unlawful to request or require a person to provide a copy of his/her own CORI.</p> <p>--The following information is publicly available to anyone: conviction data for a crime punishable by 5 or more years; CORI of an incarcerated person for up to 1 year after release if for a misdemeanor, 2 years for a felony, and 3 years for</p>	<p>sealed records for firearm licensing purposes, <u>CRRB</u></p> <p>- all CORI, including access to sealed records, for actual performance of its duties;</p> <p>2. <u>Requestors authorized/required by law</u> - all CORI beyond that permissible under clause 3 below if mandating law broadens scope;</p> <p>3. <u>Requestors (or agents) evaluating applicants</u> for the following purposes: (1) employment; (2) housing (rental or leasing); (3) volunteers for services; (4) professional licensure by state/municipal agency;</p> <p><u>Limited scope for (a)(3) Requestors:</u></p> <p>i) felony convictions (which include 209A actions) for 10 years after disposition, including termination of incarceration or custody,</p> <p>ii) misdemeanor convictions for 5 years following end of custody or incarceration ,</p> <p>iii) pending charges, including CWOFF until dismissed</p> <p><u>BUT</u> the entire record is available while the last conviction is still accessible;</p> <p>4. <u>General public</u> upon written request and pursuant to the department's regulations - limited to (1) convictions for felony punishable by imprisonment of five or more years, (2) information about an individual convicted of any crime and sentenced to any term of imprisonment, and at the time the request was made, is either on probation,</p>	
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<p>release from DOC or parole. --Police arrest records, judicial proceedings, court records are public records. --Prohibits the unauthorized dissemination and use of CORI</p>	<p>incarcerated or on parole, (3) felony convictions for two years following disposition, including any period of incarceration or custody, and (4) misdemeanor convictions for one year following disposition, including any period of incarceration or custody;</p> <p>5. <u>CORI Subject</u> (or their advocate/agent);</p> <p>6. <u>Public Interest Access</u> the dept has discretion to provide access and determine scope to any requestor whose need for CORI serves the public interest. Annual report of these grants to the governor and legislature (and public upon request) is required;</p> <p>7. <u>Housing Authorities</u> can access conviction and pending charges to evaluate applicants;</p> <p>8. <u>Dept. of Telecommunications & energy</u> can access all available CORI to screen motor bus drivers who transport school children;</p> <p>9. <u>Dept of Children and Families</u> can access data permitted under § 172B--conviction, arrest, sealed record and juvenile arrest and conviction data to evaluate foster and adoptive homes (see also # 25 below);</p> <p>10. <u>Provider of in-home or community based services for the elderly or disabled</u> can access data permitted under § 172C –all available CORI (conviction, non-conviction, pending charge and youthful offender data);</p> <p>11. <u>Dept of Revenue</u> can access data permitted under</p>	
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	<p>172D--arrest, conviction, incarceration, youth offender and juvenile delinquency data, DV registry;</p> <p>12. <u>Long-term care facility, assisted living and continuing care facility</u> can access data permitted under § 172E - all available CORI (conviction, non-conviction, pending charge and youthful offender data);</p> <p>13. <u>Dept. of Early Education & Care</u> can access data permitted under § 172F--conviction, arrest, sealed record and juvenile arrest and conviction data to evaluate non-relative in-home child care provider (see also #21 below);</p> <p>14. <u>Operators of Camps for children</u> can access data permitted under 172G - all available CORI (conviction, non-conviction, pending charge and youthful offender data) and juvenile data;</p> <p>15. <u>Providers of activities for children 18 & under</u> can access data permitted under § 172H-- all available CORI (conviction, non-conviction, pending charge and youthful offender data);</p> <p>16. <u>Schools to screen taxicab companies</u> can get data permitted under § 172I-- all available CORI (conviction, non-conviction, pending charge and youthful offender data);</p> <p>17. <u>Banks</u> can obtain data permitted under § 172J-- all available CORI (conviction, non-conviction, pending charge and youthful offender data);</p> <p>18. <u>Children's camp or schools to screen climbing wall</u></p>	
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	<p>or challenge course program participants can access data permitted under § 172K – by availing themselves of subparts G,H,I of § 172, which authorize access to CORI;</p> <p>19. <u>Victim of a crime or witness/family member of a homicide victim</u> can access data permitted under § 178A – CORI limited to offense involving such person (but see § 37);</p> <p>20. <u>Motor vehicle insurance merit rating board</u> can access data permitted under § 183 – data relating to violations of Ch. 90 (motor vehicle and aircraft statute) for its insured;</p> <p>21. <u>Dept of Early Education & Care</u> can also access data permitted by § § 6 & 8 of ch. 15D – CORI check on persons 18 and older in a prospective foster home;</p> <p>22. <u>District Attorney</u> can obtain data permitted under § 2A of ch. 38 – CORI check on members of state and local multi-disciplinary child fatality review team;</p> <p>23. <u>Schools</u> can obtain data permitted under § 38R of ch. 71-- all available CORI (conviction, non-conviction, pending charge and youthful offender data);</p> <p>24. <u>Mass. Port Authority</u> can obtain data permitted under § 61 of ch. 90 – state and national check on an applicant seeking access to regulated shell-fishing zone;</p> <p>25. <u>Dept of Social Services</u> can obtain data permitted under § 26A of ch. 119 & § 3B of ch. 210 – checks for registration of interest for foster care and pre-adoptive and adoptive placement;</p>	
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	<p>26. <u>State Racing Commission</u> can obtain data permitted under § 9A of ch. 128A – CORI, presumably all available record;</p> <p>27. <u>Office of Jury Commissioner or court</u> can obtain data permitted under § 33 of ch. 234A-- CORI, presumably all available record;</p> <p>28. <u>Pension Fraud Unit of Public Employee Retirement Ad. Commission</u> may obtain data permitted under § 1 of 338 of the acts of 1990;</p> <p>29. <u>Special education school programs</u> may obtain data available to requestors under (a)(3);</p> <p>30. <u>Interstate and Federal agencies exchange of databases</u> shall be configured by the dept.</p> <p>(b) excludes convictions for murder, voluntary manslaughter, involuntary manslaughter and sex offenses (under c. 6 § 178C) punishable by incarceration in state prison from non-dissemination and are available to accessors under (a)(1)-(3) above <i>unless sealed</i>.</p> <p>(c) sets forth obligations of requestors:</p> <p>1.) Requestor needs to have subject's name, date of birth and last four digits of social security number (except that an (a)(4) requestor does not have to provide SS#) to seek record;</p> <p>2.) Requestor under (a)(2)&(3) must certify that it is an</p>	
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	<p>authorized entity; that it seeks record for permissible purpose; that CORI subject has signed an acknowledgment form; and that it has verified identity of the subject;</p> <p>3.) Requestors under (a)(2)&(3) must maintain acknowledgment forms for one year, subject to audit by the department; and</p> <p>4.) Requestors shall provide copy of record, regardless of source, before questioning applicant, and if adverse decision is made based on the record, copy must be provided (unless previously provided). Failure to comply with this section may subject the person to a hearing before the board and sanctions.</p> <p>(d) Unlawful to request or require a person to provide his/her own CORI.</p> <p>(e) Exempts (1) from negligent hiring liability any person relying on CORI received from the department and not conducting further background checks, unless mandated to do so, if a hiring decision was made within 90 days of getting CORI and the person followed the dept's regulations; (2) from discriminatory employment practices any person failing to hire an applicant based on erroneous information obtained from the dept if the employer would not have been liable if the data was accurate so long as employment decision was made within 90 days; (3) from civil or</p>	
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	<p>criminal action the dept or CRRB for dissemination of inaccurate or false information erroneously entered by the court or the office of the commissioner of probation.</p> <p>(f) Requestor shall not disseminate CORI except to subject and others in its organization that have a need to know or its regulating authoring.</p> <p>--Requestor must also maintain log of persons with whom CORI was shared.</p> <p>--Requestor shall discard CORI 7 years after employment or date of final decision with respect to the record.</p> <p>(g) Dept shall maintain a "self-audit" log of requestors, which shall not be a public record.</p> <p>--CORI subject can request self-audit for no fee once every 90 days.</p> <p>--If funding permits, an automated system shall be maintained to notify CORI subject or his or her advocate of a record query.</p> <p>(h) Motor vehicle insurance merit rating board can provide: (1) conviction of automobile law violations under c. 90C § 1, (2) charge of operating a motor vehicle while under the influence of intoxicating liquor resulting in assignment of a driver to alcohol program as described in c. 90 § 24D, to an insurance company doing motor vehicle insurance business within the</p>	
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	<p>commonwealth for motor vehicle insurance purposes.</p> <p>(i) Information about a person's custody and placement within the correction system is available to everyone, upon request, with some enumerated exceptions.</p> <p>(j) The parole board, department of correction, county of correctional authority or a probation officer with court approval may make a summary, which can include references about CORI, available in regards to a decision to release or change an individual's custody status.</p> <p>(k) A member of the public who is afraid of an offender, may seek advance notice of the offender's release from the department upon written verified request.</p> <p>(l) No individual or agency that receives or obtains CORI from any source in violation of §§ 168 through 175 shall collect, store, disseminate, or use the CORI in any manner or for any purpose.</p> <p>(m) Public records not prohibited from disclosure by § 172 are:</p> <ul style="list-style-type: none">• Police daily logs, arrest registers, or other similar records compiled chronologically;• Chronologically maintained court records of public judicial proceedings;	
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	<ul style="list-style-type: none"> • Published records of public court or administrative proceedings, and of public judicial administrative or legislative proceedings; and • Decisions of the parole board as provided in c. 127 § 130. <p>(n) The commissioner of the dept. of CJIS, upon the advice of the board, shall promulgate rules and regulations to carry out § 172.</p>	
<p>G.L. c. 6 § 172A governs Fees; request for information. Currently under § 172A, the board charges \$30 per CORI request, <u>unless</u> the requestor is the victim, witness or family member of a homicide victim, a government agency or other persons the board decides to exempt. Additionally, the board charges an additional \$5 for certified agencies that provide services to certain listed individuals, <u>unless</u> exempted by the board, and \$25 for individuals seeking their own CORI, <u>unless</u> found indigent under c. 261 § 27A</p>	<p>SECTION 22 replaces § 172A in its entirety, and grants the authority of CORI fee assessments and self-audit fees to the commissioner, subject to a structure outlined by the secretary of public safety. Fee exemptions would remain for crime victims, witnesses or family members of a homicide victim and government entities. Additionally, the commissioner can waive the fee or a portion of the fee for persons provided in the department’s rules and regulations. Further, the department may enter into contracts and agreements for reduced or bulk fees for requestors who make extensive use of the database.</p> <p>The new draft of § 172A also authorizes the department, subject to appropriation, to retain a portion of the fees to:</p>	<p>May 4, 2012</p>

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	<ul style="list-style-type: none"> • Assist ex-offenders in obtaining and maintaining employment (e.g. workforce development training and other applicable training programs), • Training and auditing requestors described in § 172 subsection (a), • Providing education and assistance regarding the correction of criminal records (e.g. training judges, providing the necessary information to employers and other applicable person in possession of an applicant's CORI), and • Operating and maintaining the public safety information system and the criminal records review board. 	
	<p>SECTION 23 inserts a new § 172B ½, that authorizes municipalities by local ordinance: (1) to require applicants for specified occupations to submit fingerprints to the state police for state criminal records check and to the FBI for national criminal records check, and (2) establish an appropriate fee for administering a fingerprinting system, \$30 of which shall be deposited into the Firearms Fingerprinting Identity Verification Trust Fund (pursuant to c. 29 §2LLL).</p>	<p>May 4, 2012</p>
<p>G.L. c. 6, § 172C, governs dissemination of CORI to agencies employing providers of services to elderly or</p>	<p>SECTION 24 strikes CHSB from § 172C, and replaces it with the new dept. of CJIS.</p>	<p>May 4, 2012</p>

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disabled persons		
G.L. c. 6 § 172E governs the dissemination of criminal offender information to long term care facilities. Currently, § 172E provides CORI shall be made available to any long term care facility (defined under c. 111 § 72W) for (1) applicants in final consideration for employment, or (2) current employees in positions that involve direct personal care or treatment to residents. A long term facility care facility may, however, employ an individual on a conditional basis for a position that involves direct personal care or treatment while awaiting the individual's CORI and will not be liable for civil damages for any reason to the individual by reason of information received as a result of the CORI check	SECTION 25 redrafts § 172E and makes the following changes to the current law: (1) adds assisted living residences (defined in c. 19D § 1) and any continuing care facility (defined in c. 40D §1) to facilities that can request CORI, (2) expands who the facilities can obtain the CORI of, to also include volunteers or providers of care, treatment, education, training, transportation, delivery of meals, instruction, counseling, supervision, recreation, other services for an elderly or disabled person or persons who will have any direct or indirect contact with elderly or disabled persons or access to such persons' personal information, and (3) the criminal record review board is given the authority to reduce or waive fees pursuant to § 172A.	May 4, 2012
G.L. c. 6, § 172G, governs dissemination of CORI to children's camps and authorizes them to obtain all CORI including juvenile data	SECTION 26 strikes CHSB from § 172C, and replaces it with the new dept. of CJIS.	May 4, 2012
G.L. c. 6, §172H grants programs providing activities to children 18 years or less "that accepts volunteers" access	SECTION 27 strikes the qualifying language "that accepts volunteers."	November 2010

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to CORI including juvenile data		
G.L. c. 6, §172H	SECTION 28 strikes CHSB from § 172H, and replaces it with the new dept. of CJIS.	May 4, 2012
G.L. c. 6, §172H	SECTION 29 inserts “an employee, volunteer, vendor or contractor” as persons for whom CORI checks can be performed under § 172H.	November 2010
G.L. c. 6, §172I governs access to CORI of taxicab employees that transport school children	SECTION 30 strikes CHSB from § 172I, and replaces it with the new dept. of CJIS.	May 4, 2012
G.L. c. 6, § 172J grants banks access to CORI.	SECTION 31 strikes CHSB from § 172J, and replaces it with the new dept. of CJIS.	May 4, 2012
G.L. c.6, § 172K grants schools access to all available CORI and juvenile offender data for persons participating in wall climbing and challenge course programs	SECTION 32 strikes CHSB from § 172K, and replaces it with the new dept. of CJIS.	November 2010
G.L. c. 6, § 173, governs regulations for program research; monitoring; access restricted. Currently, § 173 provides the board with the authority to establish regulations to govern the use of criminal offender record information for program research	SECTION 33 removes authority from the CHSB board and places it with the commissioner of CJIS. Further, it also gives the commissioner the ability to approve research programs to obtain CORI so long as the programs do not publish any information that identifies the subject.	May 4, 2012
G.L. c. 6, § 173	SECTION 34 strikes CHSB from § 173, and replaces it with the new dept. of CJIS.	May 4, 2012
G.L. c. 6 § 175, governs inspection of record; corrections; procedure;	SECTION 35 strikes § 175 in its entirety and replaces with the following changes. First, the individual may	November 2010

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<p>restrictions. Section 175 currently provides each individual with the right to inspect and, if practicable, copy his/her CORI. If the individual believes the information is incorrect or incomplete, he/she may request the agency in custody of the record to purge, modify or supplement it. If the agency does not do so, or the individual is unsatisfied, the individual may then seek review by the board in writing. The board, in cases in which it finds a prima facie basis for a complaint, will conduct a hearing, issue a written finding and order pursuant to the procedures delineated in § 175</p>	<p><u>obtain a copy</u> of his/her CORI instead of copying his/her CORI as in the current version. Second, the commissioner shall publish and furnish guidelines on how to correct inaccurate or incomplete information upon request. Third, the department, subject to appropriation, shall provide assistance to an individual who has requested help in correcting inaccurate or incomplete information. Corrections made by the office of the commissioner of probation or the courts will be transmitted to the department's database and reflect the corrections.</p>	
<p>G.L. c. 6, § 178 governs violations and punishment. Currently, § 178 <u>punishes</u>:</p> <ul style="list-style-type: none"> • Any person who willfully requests, obtains or seeks to obtain CORI under false pretenses, • Any person who willfully communicates or seeks to communicate criminal offender record information to any agency or person (except in accordance with §§ 168 to 175), or 	<p>SECTION 36 strikes § 178 in its entirety and replaces with the following provisions.</p> <p>(1) Criminal Record Offender Information:</p> <ul style="list-style-type: none"> • Any person who <i>knowingly</i> requests, obtains or attempts to obtain CORI or a self-audit from the department under false pretenses, • <i>Knowingly</i> communicates or attempts to communicate CORI to any person, except in accordance with §§ 168 through 175, • <i>Knowingly</i> falsifies CORI, or any records relating 	<p>May 4, 2012</p>

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<ul style="list-style-type: none"> Any member, officer, employee or agency of the board or any participating agency, or any person connected with any authorized research program, who willfully falsifies criminal offender record information, or any records relating thereto <p>The <u>punishment</u> for each offense is currently:</p> <ul style="list-style-type: none"> A fine up to \$5,000, Imprisonment in the house of corrections for up to one year, or both 	<p>thereto, or</p> <ul style="list-style-type: none"> Requests or requires a person to provide a copy of his/her CORI except as authorized under § 172. <p>The <u>punishment</u> for each offense is:</p> <ul style="list-style-type: none"> A fine up to \$5,000, Imprisonment in the house of corrections for up to one year, or both BUT, if the person is not a natural person, the fine may be up to \$50,000 for each violation. <p>(2) Juvenile Delinquency Records:</p> <ul style="list-style-type: none"> Any person who <i>knowingly</i> requests, obtains or attempts to obtain juvenile delinquency records from the department under false pretenses, <i>Knowingly</i> communicates or seeks to communicate juvenile criminal records to any person except in accordance with §§ 168 through 175, or <i>Knowingly</i> falsifies juvenile criminal records, <p>The <u>punishment</u> for each offense is:</p> <ul style="list-style-type: none"> A fine up to \$7,500, Imprisonment in the house of corrections for up to one year, or both BUT, if the person is not a natural person, the fine may be up to \$75,000 for each violation. 	
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	<p>Exemption - § 178 does not apply to and no prosecution will be brought against a law enforcement officer who, acting in good faith, obtains, seeks to obtain, communicates, seeks to communicate criminal offender record information in the furtherance of his/her official duties.</p> <p>Section 36 also adds the following new section, § 178 ½, to penalize the use of CORI to (1) commit a crime against the subject or (2) harass the subject, meaning willfully and maliciously engaging in conduct or acts directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer emotional distress.</p> <p>The <u>punishment</u> under § 178 ½ is either:</p> <ul style="list-style-type: none"> • A fine up to \$5,000, • Imprisonment in the house of corrections for up to one year, or both. 	
<p>G.L. c. 6, § 178A, governs victims; certification to receive information. Currently, § 178A provides a victim of a crime, witness or family member of a homicide victim with criminal record offender record information, as long as the request relates to the offense in which the person was involved. Also,</p>	<p>SECTION 37 strikes § 178A in its entirety and makes the following changes: (1) the victim of a crime, witness or family member of a homicide victim may now obtain <u>all</u> available CORI of the perpetrator; and (2) grants criminal justice agencies disclosure authority to persons granted access under 178A.</p>	<p>May 4, 2012</p>

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the board must certify the victim, witness or family member, upon request. Furthermore, criminal justice agencies may disclose, in their discretion, additional information reasonably necessary for the security and well being of such persons		
	<i>SECTIONS 37- 43 relate to Sex Offender Registry</i>	
	<i>SECTION 44 relates to the Motor Vehicle Insurance Merit Rating Board statute and strikes CHSB & replaces it with the new dept. of CJIS.</i>	
G.L. c. 6A, § 18, lists the agencies within the executive office of public safety	SECTION 45 amends c. 6A § 18 by (1) <u>removing</u> the governor's highway safety bureau and the criminal history systems board, and (2) <u>adding</u> the office of grants and research and the highway safety division, Massachusetts department of criminal justice information services, office of the chief medical examiner, and the sex offender registry board within EOPSS.	November 2010
G.L. c. 6A, § 18 ½, defines the duties of the undersecretaries of EOPSS	<i>SECTION 46 strikes CHSB from § 18 ½, and replaces it with the new dept. of CJIS.</i>	
G.L. c. 6A, § 18 ¾, defines the functions of the secretary of EOPSS	<i>SECTION 47 strikes CHSB from § 18 ¾, and replaces it with the new dept. of CJIS.</i>	
	<i>SECTION 48 relates to the Child advocate advisory board and strikes CHSB & replaces it with the new dept. of CJIS.</i>	
	<i>SECTIONS 49 to 51 relate to the Central register for missing</i>	

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	<i>children and strike CHSB & replace it with the new dept. of CJIS.</i>	
	<i>SECTIONS 52 to 54 relate to the Department of State Police and strike CHSB & replace it with the new dept. of CJIS.</i>	
	<i>SECTION 55 relates to the DNA Database and strikes CHSB & replaces it with the new dept. of CJIS.</i>	
	<i>SECTION 56 relates to the State Administrative Procedure Act and inserts a new § 1D making the new CRRB subject to the provisions of sections 1 to 8 of the APA.</i>	
	<i>SECTION 57 relates to Reports of death or suicide by lockup inmates and strikes CHSB & replaces it with the new dept. of CJIS.</i>	
	<i>SECTIONS 58 & 59 relate to Public Records inspection and strike CHSB and its executive director & replace them with the new dept. of CJIS and its commissioner.</i>	
	<i>SECTIONS 60 to 62 relate to teen dating and violence under the Public Schools law, and strike CHSB & replace it with the new dept. of CJIS.</i>	
	<i>SECTIONS 63 & 64 relate to the Motor Vehicle & Aircraft statute and strike CHSB & replace it with the new dept. of CJIS.</i>	
	<i>SECTIONS 65 & 66 relate to consumer report and strike the \$20,000 income cap on reporting adverse information.</i>	
	<i>SECTIONS 67 to 72 relate to the Controlled Substances Act and make the following changes: 1.) permit parole eligibility after serving half of a mandatory minimum sentence for certain drug offenses at the house of</i>	

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	<i>correction, except that an inmate may be ineligible upon a finding of certain aggravating circumstances; and 2) add additional grounds under which an inmate may obtain temporary release, including to participate in education, training or job programs.</i>	
	<i>SECTION 73 relates to the Transient Vendors, Hawkers & Peddlers statute and strikes CHSB & replaces it with the new dept. of CJIS.</i>	
G.L. c. 111, § 71, provides that CHSB provide CORI for licensing of nursing home/convalescent home providers	SECTION 74 strikes CHSB and replaces it with the new dept. of CJIS.	November 2010
G.L. c. 112, § 12A ½ requires physicians to report rapes and sexual assaults to CHSB	SECTION 75 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 123A, §9, pertains to notice of discharge to CHSB after petitions for examination and discharge of sexually dangerous persons	SECTION 76 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 123A, § 14, pertains to commitment and confinement of sexually dangerous persons	<i>SECTION 77, adds language permitting D.A. or A.G. to petition the court for a trial and the petitioner or person named in the petition to request a jury trial.</i>	
G.L. c. 127, § 2, pertaining to jails, prisons keeping records of inmates and using CHBS data	SECTION 78 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 127	<i>SECTION 79 adds a new section 20A, which permits women committed to MCI Framingham for lesser offenses to be classified for a pretrial diversion program and permits credits</i>	

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	<i>toward any sentence imposed.</i>	
G.L. c. 127, §2	SECTION 80 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 127, § 28 pertains to fingerprinting and photographing inmates and use of CHSB data	SECTION 81 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 127, § 29, pertains to sharing fingerprinting and photographs of inmates and use of CHSB data	SECTION 82 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 127, § 133E, pertains to victims and others certified by CHSB testifying at parole hearings	SECTION 83 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 140, § 122, pertains to guns and weapons licenses and CHSB data	SECTION 84 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 140, § 122A, pertains to notice to CHSB of licensing and renewals	SECTION 85 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 140, § 122A	SECTION 86 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 122B, pertains to licenses and ammunition and notice to CHSB	SECTION 87 changes executive director of CHSB to commissioner of CJIS.	November 2010
G.L. c. 140, § 123	SECTION 88 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 125, pertains to notice to CHSB of license forfeiture	SECTION 89 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 127, pertains to transfer of licenses and notice to CHSB	SECTION 90 changes executive director of CHSB to commissioner of CJIS.	

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G.L. c. 140, § 128A, pertains to sales of guns and notice to CHSB	SECTION 91 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 128B, pertains to notice to CHSB of firearms sales	SECTION 92 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 129B	SECTION 93 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 129C	SECTION 94 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 130B	SECTION 95 strikes the CHSB and replaces with the new dept. of CJIS.	November 2010
G.L. c. 140, § 130B	SECTION 96 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 131	SECTION 97 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 140, § 131 ½	SECTION 98 strikes the CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 140, § 131A	SECTION 99 changes executive director of CHSB to commissioner of CJIS.	
G.L. c. 151A, § 25, provides that CHSB send lists of unemployment benefit applicants or beneficiaries to the Dept. of Workforce Development	SECTION 100 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 151B, § 4 of the state anti-discrimination law.	SECTION 101 amends G.L. c. 151B, § 4, by inserting a new section 9 1/2 prohibiting employers from asking about criminal history information on initial job application unless federal or state law creates a	November 2010

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	mandatory or presumptive disqualification based on a conviction, or federal or state law prohibits employer from hiring people convicted of 1 or more offenses.	
G.L. c. 152, § 7, pertains to suspension of workers compensation awards if a person has warrants or defaults	SECTION 102 strikes CHSB and replaces it with the new dept. of CJIS as the agency which notifies the Board of Industrial Accidents of warrants and defaults.	
G.L. c. 209A, § 6	SECTION 103 strikes CHSB and replaces it with the new dept. of CJIS as to forms submitted by police	
G.L. c. 215, § 34A, pertains to warrants for defendants who pay child support.	SECTION 104 strikes CHSB and replaces it with the new dept. of CJIS as source of data.	
G.L. c. 233, § 21, pertains to use of convictions at trial as related to credibility	SECTION 105 inserts a new paragraph at the end permitting a party to obtain a witnesses' CORI "upon order of the court."	
G.L. c. 255E, § 3, pertains to data from CSHB for licensing of brokers and mortgage lenders	SECTION 106 strikes CHSB and replaces it with the new dept. of CJIS.	
G.L. c. 258C, § 1, pertains to victim compensation	<i>SECTION 107 inserts a new definition for "crime scene clean up"</i>	
G.L. c. 258C, § 1	SECTION 108 inserts a new definition for "security measures" which includes replacement or repair of locks, windows or other security devices deemed necessary for victim's safety.	
G.L. c. 258C, § 2(f), pertains to victim compensation	<i>SECTION 109 repeals Section (2)(f) of Chapter 258C which previously read: No compensation shall be paid unless the claimant, or an individual for whose benefit a claim is made,</i>	

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	<i>has incurred actual out-of-pocket loss of at least one hundred dollars or has lost two continuous weeks of earnings or support or liability for compensable expenses as a direct result of the injury to or death of a victim. The foregoing provision shall not apply to a claimant who was over sixty years of age on the date of the alleged crime or was the victim of rape.</i>	
G.L. c. 258C, § 3(b), pertains to victim compensation awards	<i>SECTION 110 strikes paragraph 1 and inserts 2 new paragraphs which set funeral and burial expenses at a maximum of \$6,500 and compensation for related expenses at \$600.</i>	
G.L. c. 258C, § 3	<i>SECTION 111 is a technical amendment of section 3 striking out the words "one hundred and eighteen F," and inserting "118G".</i>	November 2010
G.L. c. 258C, § 3	<i>SECTION 112 further amends section 3 to make "parents or legal guardian of a victim who is a minor" eligible for compensation for reasonable mental health counseling.</i>	November 2010
G.L. c. 258C, §3(b)	<i>SECTION 113 adds professional crime scene cleanup services and reasonable replacement cost of clothing and bedding seized as evidence, and security measures as compensable expenses.</i>	November 2010
G.L. 258C, §8, pertains to request for reconsideration of award or denial	<i>SECTION 114 increases time to request reconsideration of decision by program director from fifteen to "20" days.</i>	November 2010
G.L. 258C, §8	<i>SECTION 115 increases time program director shall notify claimant of decision on request for reconsideration from twenty to "30" days.</i>	November 2010

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G.L. c. 258C, §9, pertains to judicial review	<i>SECTION 116 increases time for claimant to petition for judicial review of decision of award or denial of compensation to "30" days from "twenty. "</i>	November 2010
G.L. 258C, §10, pertains to amounts received by claimant from other sources; offset	<i>SECTION 117 relating to eligibility for out of pocket expenses exceeding amounts received from insurance is amended to include, but not limited to homeowners, renters, and automobile insurance .</i>	November 2010
G.L. c. 258D, provides for compensation for certain erroneous felony convictions	<i>SECTION 118 strikes CHSB and replaces it with new dept. of CJIS.</i>	November 2010
G.L. c. 265, lists "crimes against the person"	<i>SECTION 119 makes it a crime for sex offenders to engage in ice cream truck vending, punishable by imprisonment in the house of correction for not more than 2 ½ years or by a fine of \$1000.00, or both.</i>	May 4, 2012
G.L. c. 268, §13B, defines crime of intimidation of witnesses	<i>SECTION 120 expands crime to include witnesses in civil proceedings.</i>	November 2010
G.L. c. 268, §16, defines crime of escape or attempt to escape	<i>SECTION 121 adds disabling or attempting to disable or defeat electronic monitoring of a prisoner to the list of activities constituting a crime under this section 16.</i>	November 2010
G.L. c. 270, defines crimes against public health	<i>SECTION 122 adds new section 25 making it a crime to engage in ice cream vending without a permit,, requires the department of public safety to adopt regulations which require investigation into applicant's criminal history, photo and fingerprint requirements, and restriction on permitting vending permit to a sex offender.</i>	May 4, 2012
G.L. c. 276, §23B, pertains to search warrants; warrant management system	<i>SECTION 123 strikes CHSB and replaces it with the new dept. of CJIS.</i>	November 2010
G.L. 276, §23B	<i>SECTION 124 strikes CHSB and replaces it with the new</i>	November 2010

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	dept. of CJIS.	
G.L. c. 276, §58A, pertains to conditions for release of persons accused of certain offenses involving physical force or abuse	<i>SECTION 125 increases circumstances under which commonwealth may move for an order of pretrial detention in felony offenses involving physical violence.</i>	November 2010
G.L. c. 276, §100, pertains to detailed reports of probation work	SECTION 126 strikes CHSB and replaces it with the new dept. of CJIS.	November 2010
G.L. c. 276, §100	SECTION 127 further amends section 100 by striking the word “board” and replacing it with “department.”	November 2010
G.L. c. 276, §100A, pertains to requests to seal files – person can seal record if felony convictions ended not less than 15 years before request and misdemeanor offenses ended not less than 10 years before the request. Also set as a precondition to any request that person did not have a conviction other than a \$50 motor vehicle offense or an order of probation that ended not less than 10 years before the request. Also clock begins at the end of probation or parole or release from incarceration, whichever ended last. Also requires intervening convictions to reset clock.	SECTION 128 changes the circumstances for sealing old cases: i) reduces the waiting period for felony cases to 10 years; ii) reduces misdemeanor cases to 5 years; iii) eliminates the requirement that a person cannot seal record under this section if he/she has an order of probation in the 10 years preceding the request; and iv) begins sealing clock at release from incarceration or custody. But if the sentence did not include incarceration, the clock begins at the time of disposition. Intervening convictions reset the clock.	May 4, 2012
G.L. c. 276, §100A	SECTION 129 further amends 100A by: a) treating any violation of section 7 of chapter 209A or section 9 of	May 4, 2012

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	section 258E as a felony; b) establishing sealing eligibility for sex offenses. Sex offenses, as defined in section 178C of chapter 6, shall not be eligible for sealing for 15 years following their disposition, including termination of supervision, probation or any period of incarceration, or for so long as the offender is under a duty to register in the commonwealth or in any other state where the offender resides or would be under such a duty if residing in the commonwealth, whichever is longer; provided, however, that any sex offender who has at any time been classified as a level 2 or level 3 sex offender, pursuant to section 178K of chapter 6, shall not be eligible for sealing of sex offenses.	
G.L. c. 276, § 100A	SECTION 130 makes sealed records admissible as evidence in family law proceedings after initial review by judge for relevance and admissibility.	May 4, 2012
G.L. c. 276, § 100C, treats cases with an order of probation before a dismissal as convictions that can only be sealed when they age out under 100A	SECTION 131 makes probation before a dismissal no longer a bar to sealing a record in court under Chapter 276, § 100C.	May 4, 2012
G.L. c. 276, § 100C, indicates that the commissioner of probation shall report to authorized persons other than law enforcement or the courts that no record exists when a record is sealed.	SECTION 132 indicates that in addition to the commissioner of probation, the clerk of courts in any district or superior court or the Boston municipal court shall also report to authorized persons other than law enforcement or the courts that no record exists when a record is sealed.	May 4, 2012

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	SECTION 133 adds a new section 100D, which gives criminal justice agencies “immediate access” to sealed CORI data and a person’s delinquency cases before age 17.	May 4, 2012
G.L. c. 279, § 1	SECTION 134 strikes CHSB and replaces it with the new dept. of CJIS.	November 2010
	SECTION 135 sets forth the process for the transfer of the employees, proceedings, rules and regulations, property and legal obligations of the criminal history systems board to the department of criminal justice information services.	May 4, 2012
	SECTION 136 requires the department of criminal justice information systems to regularly report on its progress in building the information technology system necessary to fulfill the requirements set forth in section 21.	November 2010
	<i>SECTION 137 establishes parole eligibility for persons serving a mandatory minimum sentence for violating certain sections of 94C</i>	November 2010
	<i>SECTION 138 requires the executive office of public safety, in conjunction with the department of public health, the trial court, the department of probation and the office of community correction, to promulgate regulations establishing a resource guide for law enforcement personnel, sheriffs and judges on substance abuse treatment programs and options.</i>	November 2010
	<i>SECTION 139 requires the executive office of public safety</i>	November 2010

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	<i>and security and the department of correction, in conjunction with the department of public health to adopt regulations to create a substance abuse education program in state prisons and houses of corrections.</i>	
	<i>SECTION 140 requires the department of probation, in conjunction with the criminal history systems board to conduct a study on rehabilitation.</i>	Findings of study due December 31, 2010.
	<i>SECTION 141 requires the parole board to conduct a study to determine the benefit and cost of establishing a substance abuse treatment program to be included as a requirement for individuals during a period of post-release supervision.</i>	Findings of study due December 31, 2010.
	<i>SECTION 142 requires the department of corrections in consultation with the department of public health to conduct a study on the establishment of jail diversions programs for non-violent low-level offenders with substance use disorders.</i>	Findings of study due December 31, 2010
	<i>SECTION 143 requires the trial court to conduct a study to examine the bail review process.</i>	Report due December 31, 2010
	<i>SECTION 144 requires department of public safety to adopt regulations no later than 90 days from the effective date of the act.</i>	November 2010
	SECTION 145 states when certain sections take effect: Sections 2 to 8, inclusive, 12, 16 to 26, inclusive, 28, 30, 31, 33 to 37, inclusive, 56, 62, 65 to 67, inclusive, 105, 119, 122, 128 to 133, inclusive, and 135 shall take effect 18 months from the effective date of this act.	November 2010
	SECTION 146 states section 144 shall take effect 180 days from the effective date of this act.	November 2010

* Note that non-CORI sections are italicized and minimally referenced in this summary.

SIDE-BY-SIDE SUMMARY OF New CORI Law (Chapter 256 of the Acts of 2010) & Current CORI Law

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