

## CHAPTER 15.00: CRIMINAL OFFENDER RECORD CHECKS

### 15.01: Purpose

The purpose of 101 CMR 15.01 *et seq.* is to establish a core standardized policy and procedures for ~~t~~The Executive Office of Health and Human Services (EOHHS), its agencies, and ~~their state funded or operated~~ vendor programs regarding the review of criminal records of candidates ~~under consideration for employment or regular volunteer or training service in positions at these programs.~~ The Criminal History Systems Board (CHSB) has authorized EOHHS agencies and vendor agencies to receive criminal record information regarding present or prospective employees in any EOHHS funded or operated program.

### 15.02: Policy

~~In order to ensure that employees or other persons regularly providing services or support to any program or facility are appropriate for serving in their positions with potential unsupervised contact, a Criminal Offender Record Information (CORI) check shall be performed on all candidates. It is the policy of EOHHS that convictions of certain crimes may pose an unacceptable risk to the vulnerable populations served by the EOHHS agencies. 101 CMR 15.00 set forth minimum standards.~~

It is the policy of EOHHS 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 EOHHS and its agencies are protected. It is also the policy of EOHHS 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.

### 15.03: Scope

~~101 CMR 15.00 applies to applicants for positions which entail potential unsupervised contact in EOHHS funded or operated programs that provide people with EOHHS services, including volunteers and trainees. At the discretion of the hiring authority, the scope of 101 CMR 15.00 may be expanded to include volunteers, interns, students or other persons regularly offering support to any program or facility in either a paid or unpaid capacity whose services do not entail the potential for unsupervised client contact, upon appropriate certification by the CHSB.~~

(1) Subject to certification by the Criminal History Systems Board (CHSB), criminal history information shall be required and only considered with respect to the following categories of applicants and employees of EOHHS, its agencies, and vendor programs:

(A) applicants and employees seeking a position that entails the potential for unsupervised contact with program clients;

(B) applicants and employees for whom a CORI is necessary to comply with other legal requirements, or for whom a CORI is otherwise deemed by EOHHS, its agencies, or vendor programs to be relevant to the duties and qualifications of the position; and

(C) employees who apply for a new position that falls within the scope of 101 CMR 15.03(1)(A) or (B).

(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 since the prior CORI.

(3) Neither MassHealth providers nor entities or persons who are licensed by an EOHHS agency or who receive a grant from EOHHS or an EOHHS agency are subject to 101 CMR 15.00 solely by virtue of their status as MassHealth providers, EOHHS licensees, or grant recipients. Notwithstanding the foregoing, nothing herein should be construed to limit the MassHealth program or an EOHHS agency from considering a person's CORI or other criminal record information when determining if he or she may participate as a provider in the MassHealth program, be licensed, or receive a grant.

(4) Notwithstanding anything herein, EOHHS, EOHHS agencies, and vendor programs are not required to conduct a CORI for employees who, as of the effective date of these regulations, hold a position where a CORI would otherwise be required, but who were not previously the subject of a CORI.

(5) Notwithstanding anything herein, EOHHS, EOHHS agencies, 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 101 CMR 15.00 and as if the crime had occurred in Massachusetts.

(6) Notwithstanding anything herein, 101 CMR 15.00 shall not apply to applicants for positions in or employees of vendor programs licensed by the Department of Early Education and Care. Such vendor programs shall be subject to 606 CMR 14.00.

(7) The procedures under 101 CMR 15.06 through 15.09 shall be followed for all positions that fall within the scope of 101 CMR 15.03.

#### **15.04: Definitions**

~~Applicant: Any person seeking employment or a position as a regular volunteer or trainee to provide services for or on behalf of the with EOHHS or an EOHHS agency or their vendor agency programs, where such employment or position involves potential unsupervised contact with program clients. Employment includes but is not limited to placement in: state positions; federal positions; positions funded by grants, bonds or other capital outlay; and, vendor agency positions including current employees seeking new positions.~~

~~Candidate: Any person receiving a conditional offer for employment or a position as a regular volunteer or trainee, subject to consideration of any criminal record, to provide services for or on behalf of the EOHHS or its vendor agency programs, where such employment or position involves potential unsupervised contact with program clients. Employment includes but is not limited to placement in: state positions; federal positions; positions funded by grants, bonds or other capital outlay; and, vendor agency positions who is first determined otherwise 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 EOHHS or EOHHS agency or their vendor program services.

Community Service Worker: Any individual who, as a condition of probation, is applying for a position.

CORI Cleared Employee: Any candidate hired as an employee after ~~successfully satisfying the~~ the hiring authority completed all requirements of 101 CMR 15.00.

CORI Coordinator: The person designated by the hiring authority to send requests and receive responses from the Criminal History Systems Board (CHSB) ~~EOHHS CORI Unit~~.

CORI Investigation: The process of requesting, ~~and receiving,~~ and evaluating CORI related to candidates for employment positions in EOHHS Funded or Operated Programs.

~~Criminal History Systems Board (CHSB)-EOHHS CORI Unit: The EOHHS sponsored unit within the Criminal History Systems Board, which processes requests for CORI information and offers technical assistance with any question arising from the results of a search. The board created under M.G.L. c.6, § 168, which provides for and exercises control over the installation, operation, and maintenance of the data communication system known as the Criminal Offender Record Information (CORI) system.~~

Criminal Justice Official: Either the candidate's probation officer, parole officer, or correctional facility superintendent (or designee), depending upon whomever had the most recent responsibility for supervision of the candidate. ~~In cases where the~~ Candidates ~~was~~ last supervised in a correctional facility, ~~the candidate~~ may advise the hiring authority of any employee of the correctional facility who may have specific information about the candidate that would assist the superintendent in his or ~~her~~ assessment process.

Criminal Offender Record Information (CORI): Information regulated by the Criminal History Systems Board (CHSB) ~~and maintained by the Board of Probation regarding criminal information of persons within the Massachusetts Court system defined under CHSB regulations at 801 CMR 2.03 to include records and data in any communicable form compiled by a criminal justice agency that concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release.~~

~~Discretionary Disqualification: A candidate shall be ineligible for a position that entails potential unsupervised contact with persons receiving services at an EOHHS funded or operated program if he or she has been convicted of any crime, or has pending any charge for any crime in 101 CMR 15.16: Table B or Table C, unless the hiring authority has complied with the provisions of 101 CMR 15.11.~~

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.

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.

EOHHS: The Executive Office of Health and Human Services.

EOHHS agency: Any agency, department, commission, office, board, division, or other body within and subject to EOHHS under M.G.L. c.6A, § 16, including the Office of Elder Affairs.

EOHHS Funded or Operated Program: Any program operated by EOHHS or ~~contracted and funded by an~~ EOHHS agency or ~~their~~ with a vendor agency programs that provides health and human services for or on behalf of EOHHS or EOHHS agency clients in accordance with a contract under 808 CMR 1.00.

Hiring Authority: The person legally authorized or designated to make hiring decisions within ~~the affected agency, department, office, program, or facility~~ EOHHS or an EOHHS agency or their vendor programs.

~~Lifetime Presumptive Disqualification: A category of offenses, compiled as 101 CMR 15.16: Table A, for which conviction of any such offense results in a presumption of a lifetime disqualification for employment or other service which entails potential unsupervised contact with persons receiving services in any EOHHS funded or operated program, due to the presumed unacceptable risk posed by the nature of the crime to persons receiving services. A lifetime presumptive disqualification shall become a discretionary disqualification if:~~

~~(a) the candidate's criminal justice official concludes in writing that the candidate, within the position sought, does not pose an unacceptable risk of harm to the persons served by the program; or~~

~~(b) if the criminal justice official has been determined by the hiring authority to be unavailable or has indicated to the hiring authority that she has insufficient information to render an assessment, then the hiring authority shall, at the candidate's request, seek an assessment of the candidate's risk of harm from a qualified mental health professional and the qualified mental health professional concludes in writing that the candidate, within the position sought, does not pose an unacceptable risk of harm to the persons served by the program.~~

No Record: The conclusion from a CORI search that convictions or pending charges relating to the candidate have not been found. -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.

Pending: A criminal ~~offense shall be~~ matter is considered pending if the CORI report indicates that the ~~offense~~ matter remains open and without final resolution, including that the case has been continued without a finding.

~~Position: Employment, service by a regular volunteer or trainee.~~

Potential Unsupervised Contact: Potential for contact with a ~~person who is receiving or applying for EOHHS services~~ 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, ~~shall will~~ not be considered to have the potential for unsupervised contact for purposes of 101 CMR 15.030. ~~These excluded areas~~ The term "commonly used areas" ~~does~~ not include bathrooms ~~and or~~ other isolated areas ~~(not commonly utilized or that are~~ separated by sight and sound from other staff).

Qualified Mental Health Professional: A psychiatrist, licensed to practice medicine under M.G.L. c. 112, § -2, a psychologist, licensed under M.G.L. c. 112, § 118 through 121, or an ~~licensed~~ independent clinical social worker licensed under M.G.L. c. 112, § -130 through 132; provided that ~~the psychiatrist, psychologist, or licensed independent clinical social worker (LICSW)~~ he or she has at least 1,000 hours of experience over a minimum of two years involving assessment, treatment, and consultation concerning individuals with behavior that presents a risk of harm to others in the community, in the workplace, in treatment settings, or in correctional facilities; provided further that ~~the psychiatrist, psychologist, or licensed independent clinical social worker~~ he or she has not provided treatment to the candidate.

Trainee: Any person enrolled in an academic program or participating in a pre- or post-doctoral training program that is affiliated with an accredited educational institution or hospital, who receives a placement within EOHHS or an EOHHS agency -or ~~their~~ vendor ~~agency~~ programs.

Vendor ~~Agency~~ Program: ~~The provision of client services by any individual, corporation, partnership, organization, trust, association or other entity through funding by or contract with EOHHS. A program, administered by an individual, corporation, partnership, organization, trust, association, or other entity, that provides services to EOHHS or EOHHS agency clients under a contract issued by EOHHS or an EOHHS agency in accordance with 808 CMR 1.00. An individual or entity will not be considered a vendor program solely because they participate as a MassHealth provider or are licensed by an EOHHS agency or receive a grant from EOHHS or an EOHHS agency.~~

Volunteer: Any person who works in an unpaid capacity for EOHHS, an EOHHS agency, or a vendor ~~agency~~ program. -For the purposes of 101 CMR 15.04, ~~Volunteer~~, a current client of a facility or program who provides unpaid services at that facility or program shall will not be considered a volunteer at that facility or program.

Work Release Program: A program of unpaid work performed by any individual ~~who is~~ under the custody of the state or county correctional system.

#### **15.05: Applicant Disclosure of Criminal Record Information**

All applicants for a position with EOHHS or a vendor agency program shall complete an application form that contains a section requiring the applicant to disclose whether or not he/she has a criminal record and what crimes, if any, he or she has been convicted of consistent with M.G.L. c. 151B, § 4, para 9. The application shall not require an applicant to disclose:

- (a) ~~an arrest, detention, or disposition regarding any violation of law in which no conviction resulted; or~~
- (b) ~~a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace; or~~
- (c) ~~any conviction of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting there from, whichever date is later, occurred five or more years prior to the date of such application for employment or such request for information, unless such person has been convicted of any offense within five years immediately preceding the date of such application for employment or such request for information. No application for employment shall be considered complete unless the applicant completes this section.~~

#### **15.056: Community Service and Work Release Workers**

~~Any~~(1) Notwithstanding anything herein, EOHHS or any EOHHS agency or their vendor programs agency that participates in either a criminal justice related community service program or a work release program shall must require all individuals who participate to disclose his or her criminal record ~~in conformance with 101 CMR 15.05~~ on a form signed by the candidate's criminal justice official. No inquiry, however, may be made inconsistent with M.G.L. c. 151B, § 4, para 9, which prohibits requiring the disclosure of ~~In addition, as a condition of participation, the candidate's criminal justice official must conclude in writing that the individual will not pose an unacceptable risk of harm to EOHHS clients, or the community service program or work release program will take responsibility for providing supervision for the individual at all times.~~

- (A) an arrest, detention, or disposition regarding any violation of law in which no conviction resulted; or
- (B) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace; or
- (C) any conviction of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting there from, whichever date is later, occurred five or more years prior to the date of such application for employment or such request for information, unless such person has been convicted of any offense within five years immediately preceding the date of such application for employment or such request for information.

(2) In addition, as a condition of participation, the candidate's criminal justice official must conclude in writing that the candidate will not pose an unacceptable risk of harm to clients, or the community service program or work release program will take responsibility for providing physical supervision for the candidate at all times.

#### **15.06: Application Forms**

101 CMR 15.06 through 15.09 apply to positions that fall within the scope of 101 CMR 15.03.

#### (1) Disclosure of Criminal Records

(A) 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 a 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, para 9, referenced under 101 CMR 15.05(1).

(B) Any other criminal record information will be obtained in accordance with 101 CMR 15.06(2).

#### (2) CORI Authorization Forms and Consent

#### **15.07: Hiring Authority Responsibilities**

~~(1)(A) The hiring authority shall will ensure that each a applicant candidate provides consent to a CORI investigation as part of his/her application, and to the periodic conduct of further CORI investigations during the course of employment, with EOHHS or the vendor agency program.~~

(B) All candidates must complete an appropriate CORI authorization form and submit a copy of at least one government-issued photographic identification, such as a driver's license, or if the applicant has not been issued such a form of identification, then a copy of a government-issued non-photographic identification, such as a birth certificate or social security card.

(C) The hiring authority shall will also inform the applicant candidate that his or her CORI may be utilized by the criminal justice official or a qualified mental-health professional conducting themselves in conformance with 101 CMR 15.06, 101 CMR 15.10, 101 CMR 15.11 and by EOHHS, EOHHS agency, or vendor program personnel responsible for carrying out the provisions of 101 CMR 15.0011, 101 CMR 15.13 and 101 CMR 15.14. Such consent and notification shall be included in the hiring authority's employment application form.

~~(2) The hiring authority shall require, as a condition of an offer of a position, the completion of the CORI investigation. The hiring authority shall confirm an offer of a position only after the hiring authority receives written confirmation that the criminal record investigation has resulted in a finding of "no record" or until the hiring authority has complied with the requirements of 101 CMR 15.08, 101 CMR 15.09, 15.10 and 101 CMR 15.11.(3) The hiring authority shall not permit any candidate to commence employment or volunteer service until after the candidate is cleared as a result of the CORI investigation in accordance with 101 CMR 15.00.~~

#### **15.078: CORI Investigations**

~~(1) All applicants shall complete a CORI Supplement form. 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) After the hiring authority makes a conditional offer of a position to an individual, subject to consideration of any criminal record, the completed CORI Supplement (authorization) form or electronic equivalent shall be sent to the CHSB EOHHS CORI Unit, in accordance with the policies of the CHSB. 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 101 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.~~

~~(3) All CORI investigations that result in a finding of "no record" shall be are transmitted back to the hiring authority and shall be 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) All CORI investigations that show findings of criminal records shall be are sent immediately to the hiring authority for review and action consistent with 101 CMR 15.00.~~

#### **15.089: Findings from CORI Investigations – No Further Review – Outstanding Warrants**

(1) If the CORI investigation reveals a finding of "no record," such finding shall will be documented in the candidate's file.

(2) If the CORI investigation reveals a conviction of a Table B crime that is a felony more than ten years old, or a Table B crime that is a misdemeanor more than five years old, and there are no subsequent convictions or any pending cases, the hiring authority will not consider such crime. For purposes of computing the five and ten-year time periods, the time period will run from the date any court supervision, probation, or sentence was terminated.

(3) For purposes of 101 CMR 15.08(2), a conviction for violating any protective order under M.G.L. c. 209A or c. 265, including domestic violence or abuse prevention protective orders, will be treated as if it were a felony.

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~~(a) a "lifetime presumptive disqualification" on the candidate's record, as specified in 101 CMR 15.10 the candidate shall be informed by the hiring authority that he or she is ineligible for any position in a EOHHS funded or operated program where there is potential unsupervised contact with persons applying for or receiving services, unless the provisions of 101 CMR 15.10 and 15.11 are complied with.~~

~~(b) a crime that is a "discretionary disqualification" on the candidate's record, the candidate shall be informed by the hiring authority that he or she is ineligible for any position in an EOHHS funded or operated program where there is potential unsupervised contact with persons applying for or receiving services, unless the provisions of 101 CMR 15.11 are complied with.~~

~~(34) If the CORI investigation reveals that the candidate has an outstanding warrant for any offense, the candidate shall be informed by the hiring authority will inform the candidate that he or she is ineligible for any position in an EOHHS funded or operated program where there is potential unsupervised contact with persons applying for or receiving services; employment unless the warrant is removed.~~

#### **15.10: Disqualifications**

~~(1) Lifetime Presumptive Disqualification. A candidate shall be ineligible for a position in a EOHHS funded or operated program which entails potential unsupervised contact with persons receiving services if he or she has been convicted of any of the crimes listed in 101 CMR 15.16: Table A, or has any pending charges involving crimes in 101 CMR 15.16: Table A unless:~~

~~(a) 1. the candidate's criminal justice official concludes in writing that the candidate, within the position sought in a EOHHS or the vendor agency program, does not pose an unacceptable risk of harm to the persons served by the program; or~~

~~2. if the candidate's criminal justice official has been determined by the hiring authority to be unavailable or has indicated to the hiring authority that she has insufficient information to render an assessment, then the hiring authority shall, at the candidate's request, seek an assessment (the cost of which shall be borne by the hiring authority) of the candidate's risk of harm from a qualified mental health professional and the qualified mental health professional concludes in writing that the candidate, within the position sought in an EOHHS funded or operated program, does not pose an unacceptable risk of harm to the persons served by the program; and~~

~~(b) the hiring authority has complied with the provisions of 101 CMR 15.11.~~

~~(2) Discretionary Disqualification. A candidate shall be ineligible for a position in a EOHHS funded or operated program which entails potential unsupervised contact with persons receiving services if he or she has been convicted of or has a pending charge for any crime in 101 CMR 15.00: Table B or Table C, unless the hiring authority has complied with the provisions of 101 CMR 15.11.~~

#### **15.11: Provisions for Review of a Candidate in any Disqualification Category**

~~Each candidate for whom the CORI investigation reveals a "lifetime presumptive disqualification", who has otherwise met the requirements for further consideration set forth in 101 CMR 15.10, or a "discretionary disqualification" shall, unless the hiring authority has decided to withdraw the conditional offer of a position, receive additional review by the hiring authority to determine if the candidate poses an unacceptable risk of harm to the persons served by the program within the position~~



sought. In reviewing the candidate's appropriateness for employment given the concern for client safety, due weight shall be given to the following factors:

- (a) Time since the conviction;
- (b) Age of the candidate at the time of the offense;
- (c) Seriousness and specific circumstances of the offense;
- (d) The nature of the work to be performed;
- (e) The number of offenses;
- (f) Any relevant evidence of rehabilitation or lack thereof;
- (g) Any other relevant information, including information submitted by the candidate or requested by the hiring authority.

Information considered pursuant to 101 CMR 15.11(1)(g) may include documentation from the candidate's criminal justice official, if not already supplied pursuant to 101 CMR 15.10(1) treating professional, or other knowledgeable source, such as the police, courts, or prosecutin attorneys.

(2) Following the review, the Hiring Authority shall determine whether:

- (a) To hire the candidate based upon a determination that the candidate does not pose a danger to the program's clients; or
- (b) To not hire the candidate.

Nothing herein shall be construed as preventing the hiring authority from deciding not to hire the candidate for any other reason.

(3) If a decision is made to hire the candidate, the hiring authority shall make a written determination of such decision, documenting the considerations outlined in 101 CMR 15.11(1)(a) through (g), and the rationale for the conclusion that the candidate does not pose a danger to the program's clients within the position sought.

(4) The hiring authority shall submit such written determination to EOHHS immediately upon a decision to hire the individual.

(a) If the candidate has been convicted of or has a pending charge for any of the crimes listed in 101 CMR 15.16: Tables A and B, the hiring authority shall not proceed to hire the individual for five business days during which time the Secretary may, after review of the determination, disapprove the hire.

(b) If the candidate has been convicted of any other offense, or has a pending charge for any offense in 101 CMR 15.16: Table C, the hiring authority may proceed to hire the individual, unless the provisions of 101 CMR 15.11(6) apply.

(5) EOHHS shall conduct an annual review of such written determinations for candidates with crimes listed in Table C to ensure compliance with the requirements of 101 CMR 15.09, 15.10, and 15.11.

(6) Based on the annual review pursuant to 101 CMR 15.11(5) or other relevant information obtained by EOHHS that raises concerns about the hiring authority's compliance with these requirements, EOHHS may require the hiring authority to submit such written determinations prior to hiring the individual. The Secretary shall have five business days following receipt of the determination to disapprove the hire. EOHHS 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 with the requirements of 101 CMR 15.09, 15.10, and 15.11.

#### 15.12: Exemption from Certain Requirements

The Secretary may grant a funded or operated program an exemption from the requirements of 101 CMR

~~15.11(4)(a), except for those candidates in the lifetime presumptive disqualification category, upon a determination by the Secretary that an exemption is warranted following consideration of the following criteria:~~

~~(1) the service needs and level of vulnerability of the clients served by the program;~~

~~(2) the potential benefits and risks to those clients as a result of the exemption;~~

~~(3) the hiring authority's capacity to perform the review required by 101 CMR 15.11;~~

~~(4) Whenever the Secretary grants the exemption, he/she shall document in writing the basis for determining that the exemption is warranted, including providing an assessment of the level of vulnerability of the clients served by the program. The Secretary may revoke the exemption at any time and without prior notice. No program shall be eligible for an exemption pursuant to 101 CMR 15.12 if it serves clients 16 years of age or younger or if it serves a population that is primarily 65 years of age or older;~~

#### 15.09: Findings from CORI Investigation - Crimes Subject to Review

(1) If the CORI investigation reveals a conviction or pending Table A crime, or a conviction of a Table B crime within the five- and ten-year time periods referenced under 101 CMR 15.08(2) above, or a pending Table B crime, the hiring authority will give careful consideration to the following factors in its decision to hire or not hire the candidate:

(A) time since the conviction;

(B) age of the candidate at the time of the offense;

(C) nature and specific circumstances of the offense;

(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 EOHHS, will also make a written determination of its decision to hire or not hire such candidate. This form will document the factors considered and the rationale for the hiring authority's decision. A copy of such 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 101 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 EOHHS agencies 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 EOHHS Secretary or the EOHHS agency Commissioner or their designees. The hiring authority will not proceed to hire the candidate for five business days from the date the EOHHS Secretary or the EOHHS agency Commissioner or their designees receive the form. During such time, the EOHHS Secretary or EOHHS agency Commissioner or their designees 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 EOHHS Secretary or EOHHS agency Commissioner or 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) EOHHS or an EOHHS agency may require that the hiring authority's review include the following:



(i) 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

(ii) 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. The EOHHS agency or EOHHS, if EOHHS makes the request, will bear the cost of an assessment by a qualified mental-health professional of the candidate's risk of harm.

(4) If the hiring authority does not wish to hire a candidate with a Table A crime, or a Table B crime within the five- and ten--year time periods referenced under 101 CMR 15.08(2), the prescribed form will be completed as outlined in 101 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 the CHSB under 803 CMR 2.00 to 9.00 et seq., including

(A) providing a candidate with a copy of his or her CORI, EOHHS CORI regulations, and CHSB 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 CHSB, reviewing the information with the candidate and inform him or her of the decision.

#### **15.10: Post Audit and Compliance Review**

(1) EOHHS or an EOHHS agency may conduct a periodic review of all documentation of compliance with 101 CMR 15.00, including written determinations of hiring decisions of candidates as required under 101 CMR 15.09(2).

(2) If such review or other relevant information obtained by EOHHS or an EOHHS agency raises concerns about the hiring authority's compliance, EOHHS or an EOHHS agency may require the hiring authority to submit documentation for all hiring decisions and provide EOHHS or an EOHHS agency five business days to disapprove any decision to hire. EOHHS or an EOHHS agency 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 101 CMR 15.10(2), in the event of noncompliance by a vendor program with any provision under 101 CMR 15.00, EOHHS may terminate the vendor's contract or take such other action it determines appropriate

#### **15.131: Dissemination**

CORI records may be disseminated only to individuals certified by the CHSB to receive such information, such as the hiring authority or CORI Coordinator. The ~~h~~Hiring ~~a~~Authority ~~shall~~will maintain a listing of persons so certified. - Willful dissemination of ~~Criminal Offender Record Information~~CORI to unauthorized individuals is punishable by a jail sentence of up to one year and/or a fine of \$5,000 in addition to civil penalties, pursuant to M.G.L. c. 6, § -178.

#### **15.124: Incidents**

Any hiring authority that receives an allegation that an EOHHS, ~~an EOHHS agency,~~ or vendor ~~agency-program~~ employee with a positive CORI history has harmed an ~~EOHHS~~ client ~~shall~~will immediately report the allegation to the ~~EOHHS or EOHHS agency~~ General Counsel ~~of EOHHS~~. Notification ~~shall~~will include documentation of the hiring decision of the hiring authority.

#### **15.13: Agency Regulations**

101 CMR 15.00 is intended to supersede any EOHHS agency regulations on the use of CORI for employment purposes. To the extent that any agency regulation may conflict, 101 CMR 15.00 will take precedence.

## 15.145: Severability

If any provisions of 101 CMR 15.01 through 15.154, or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, the other provisions of said 101 CMR 15.01 through 15.154, 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.

## 15.156: Tables of Offenses

~~All of the~~ The offenses included in 101 CMR 15.156: ~~Tables A, B and C,~~ are to be construed as including ~~all similar~~ violations of ~~the law of~~ Massachusetts, ~~law or like violation of the law of~~ 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 shall will consider the offense as if it were on the same table as the included offense. contact the CHSB EOHHS CORI Unit whenever a CORI investigation reveals an offense that is not included in 101 CMR 15.16: Tables A, B and C and it appears similar in seriousness to included offenses. The CHSB EOHHS CORI Unit in consultation with the EOHHS General Counsel shall determine, taking into account the purposes of 101 CMR 15.00, if the offense is similar to one of the included offenses. If it is determined to be similar, then it shall be considered to be included in the same table as the included offenses. If it is determined to be not similar, then it shall be considered for inclusion into the appropriate table through the regulatory process. Nothing herein shall preclude the hiring authority from considering any criminal conviction not included in 101 CMR 15.16: Tables A, B and C.~~

Table A

MGL

<del>A&amp;B, Dangerous Weapon, Vict 60+</del>	<del>c. 265, § 15A(a)</del>
<del>A&amp;B Child w/Injury</del>	<del>c. 265, § 13J</del>
<del>A&amp;B on Retarded Person</del>	<del>c. 265, § 13F</del>
<del>Administering Drugs/Sex</del>	<del>c. 272, § 3</del>
<del>Armed Assault w/Intent to Murder or Rob</del>	<del>c. 265, § 18(b)</del>
<del>Armed Assault w/Intent to Murder or Rob, Vict 60+</del>	<del>c. 265, § 18(a)</del>
<del>Armed Assault, Dwelling, w/Felony Intent</del>	<del>c. 265, § 18A</del>
<del>Armed Carjacking</del>	<del>c. 265, § 21A</del>
<del>Armed Robbery</del>	<del>c. 265, § 17</del>
<del>Assault w/Intent to Murder or Maim</del>	<del>c. 265, § 15</del>
<del>Assault w/Intent to Rape</del>	<del>c. 265, § 24</del>
<del>Assault w/Intent to Rape Child</del>	<del>c. 265, § 24B</del>
<del>Attempt Escape or Escape by Prisoner or Sex/Dang</del>	<del>c. 268, § 16</del>
<del>Attempt to Murder</del>	<del>c. 265, § 16</del>
<del>Burning Dwelling House</del>	<del>c. 266, § 1</del>
<del>Distribute Controlled Substan, Minor</del>	<del>c. 94C, § 32F</del>
<del>Exhibit Posing Child</del>	<del>c. 272, § 29A</del>
<del>Extortion</del>	<del>c. 265, § 25</del>
<del>Home Invasion</del>	<del>c. 265, § 18C</del>
<del>Incest</del>	<del>c. 272, § 17</del>
<del>Indecent A&amp;B, Child 14 or Over</del>	<del>c. 265, § 13H</del>
<del>Indecent A&amp;B, Child under 14</del>	<del>c. 265, § 13B</del>
<del>Indecent A&amp;B, Retarded Person</del>	<del>c. 265, § 13F</del>
<del>Induce Minor to Prostitution</del>	<del>c. 272, § 4A</del>
<del>Intimidation of Witness</del>	<del>c. 268, § 13B</del>
<del>Kidnapping</del>	<del>c. 265, § 26</del>
<del>Malicious Explosion</del>	<del>c. 266, § 101</del>
<del>Manslaughter, Negligence (Minor/Child)</del>	<del>c. 265, § 13</del>
<del>Manslaughter</del>	<del>c. 265, § 13</del>
<del>Mayhem</del>	<del>c. 265, § 14</del>
<del>Murder</del>	<del>c. 265, § 1</del>
<del>Perjury</del>	<del>c. 268, § 1</del>
<del>Rape</del>	<del>c. 265, § 22(b)</del>
<del>Rape Aggravated</del>	<del>c. 265, § 22(a)</del>
<del>Rape, Statutory</del>	<del>c. 265, § 23</del>
<del>Trafficking in Cocaine</del>	<del>c. 94C, § 32E(b)(4)</del>
<del>Trafficking in Heroin</del>	<del>c. 94C, § 32E(c)(4)</del>
<del>Trafficking in Marijuana</del>	<del>c. 94C, § 32E(a)(4)</del>
<del>Unnatural Acts w/Child under 16</del>	<del>c. 272, § 35A</del>

~~Conspiracy to Commit any of above Offenses~~  
~~Accessory Before any Crime in this Category~~

~~Attempts to Commit any Crime in this Category~~

Table B — MGL

<del>A&amp; B Dangerous Weapon</del>	<del>c. 265, § 15A</del>
<del>A&amp;B Intimidation, Race/Color/Religion</del>	<del>c. 265, § 39(a)</del>
<del>Accessory after Fact (variable)</del>	<del>c. 274, § 4</del>
<del>Aid Escape from Custody</del>	<del>c. 268, § 17</del>
<del>Assault by Dangerous Weapon</del>	<del>c. 265, § 15B(b)</del>
<del>Assault by Dangerous Weapon, Victim 60 and Older</del>	<del>c. 265, § 15B(a)</del>
<del>Attempt to Burn Dwelling House</del>	<del>c. 266, § 5A</del>
<del>Attempted Extortion</del>	<del>c. 265, § 25</del>
<del>Bomb Scare</del>	<del>c. 269, § 14</del>
<del>B&amp;E Day, Intent Comm Felony</del>	<del>c. 266, § 18</del>
<del>B&amp;E Day, Intend Comm Felony, Fear</del>	<del>c. 266, § 17</del>
<del>B&amp;E Night, Bldg/Ship/M/V, Intend Comm Felony</del>	<del>c. 266, § 16</del>
<del>B&amp;E Truck, Intend Comm Felony</del>	<del>c. 266, § 20A</del>
<del>Bribery of a Police Officer</del>	<del>c. 268, § 2</del>
<del>Burglary, Armed</del>	<del>c. 266, § 14</del>
<del>Burglary, Unarmed</del>	<del>c. 266, § 15</del>
<del>Burning Building</del>	<del>c. 266, § 2</del>
<del>Burning M/V or Personal Property</del>	<del>c. 266, § 5</del>
<del>Burning to Defraud Insurance Co.</del>	<del>c. 266, § 10</del>
<del>Carrying Dangerous Weapon, Committing Felony</del>	<del>c. 269, § 10(b)</del>
<del>Carrying Dangerous Weapon, Sub Offense</del>	<del>c. 269, § 10(d)</del>
<del>Carrying Loaded Rifle/Shotgun, Public Way</del>	<del>c. 269, § 12d</del>
<del>Civil Rights Violation, Bodily Injury</del>	<del>c. 265, § 37</del>
<del>Compounding Felony</del>	<del>c. 268, § 36</del>
<del>Contribute Delinquency Child</del>	<del>c. 119, § 63</del>
<del>Deliver Articles to Inmate</del>	<del>c. 268, § 31</del>
<del>Deliver Drugs to Prisoner</del>	<del>c. 268, § 28</del>
<del>Deriving Support from Prostitute</del>	<del>c. 272, § 7</del>
<del>Distributing Obscene Pictures</del>	<del>c. 272, § 28</del>
<del>Drug Paraphenelia</del>	<del>c. 94C, § 321(a)</del>
<del>Enter w/o Brk, Bldg/Shp/M/V, Int Fel, Fear</del>	<del>c. 266, § 17</del>
<del>Enter w/o Brk, Night, Dwell, Intend Comm Felony</del>	<del>c. 266, § 18</del>
<del>Entice Female, Sex, Intercourse</del>	<del>c. 272, § 2</del>
<del>Escape, Furlough</del>	<del>c. 268, § 16</del>
<del>Escape by Prisoner</del>	<del>c. 268, § 16</del>
<del>False Information for Gun Permit</del>	<del>c. 140, § 129</del>
<del>Forgery, Alter Prescription</del>	<del>c. 94C, § 33(b)</del>
<del>Fugitive from Justice</del>	<del>c. 276, § 20A</del>
<del>Induce Prostitution</del>	<del>c. 272, § 6</del>
<del>Induce Sex, Minor</del>	<del>c. 272, § 4</del>
<del>Involuntary Manslaughter</del>	<del>c. 265, § 13</del>
<del>Kidnapping Minor by Relative</del>	<del>c. 265, § 26A</del>
<del>Kidnapping Minor by Relative, Endanger Safety</del>	<del>c. 265, § 26A</del>
<del>Larceny, Bank Employee or Officer</del>	<del>c. 266, § 52</del>
<del>Larceny, Controlled Substance, from Authorized Person</del>	<del>c. 94C, § 37</del>
<del>Larceny Firearm</del>	<del>c. 266, § 30</del>
<del>Larceny, Person</del>	<del>c. 266, § 25</del>
<del>Larceny, Person 65+</del>	<del>c. 266, § 25</del>
<del>Manufacture/Distribute Class A Substance</del>	<del>c. 94C, § 32</del>
<del>Manufacture/Distribute Class B Substance</del>	<del>c. 94C, § 32A</del>
<del>Manufacture/Distribute Class C Substance</del>	<del>c. 94C, § 32B</del>
<del>Manufacture/Distribute Class D Substance</del>	<del>c. 94C, § 32C</del>
<del>Manufacture/Distribute/Dispense Class B Substance</del>	<del>c. 94C, § 32A</del>
<del>Mfg/Dist/Dispense CL A w/in 1000 ft School</del>	<del>c. 94C, § 32J</del>
<del>Mfg/Dist/Dispense CL B w/in 1000 ft School</del>	<del>c. 94C, § 32J</del>
<del>M/V Homicide, Negligent Operation</del>	<del>c. 90, § 24G(b)</del>
<del>M/V Homicide, Reckless Operation</del>	<del>c. 90, § 24G(b)</del>
<del>M/V Homicide, under Influence Drugs, Negligent or — Reckless</del>	<del>c. 90, § 24G(a)</del>
<del>M/V Homicide, under Influence Liquor</del>	<del>c. 90, § 24G(b)</del>
<del>M/V Homicide, under Influence Liquor, Negligent or — Reckless</del>	<del>c. 90, § 24G(b)</del>

Operate M/V under Influence, Serious Injury	c. 90, § 24(1)(a)(1)
Operate M/V under Influence, Drugs, 3 <sup>rd</sup> Offense	c. 90, § 24(1)(a)(1)
Operate M/V under Influence, Liquor, 3 <sup>rd</sup> Offense	c. 90, § 24
Possess Burglarious Tools	c. 266, § 49
Poss CL A Sub w/int to Dist w/int 1000 ft School	c. 94C, § 32J
Poss CL B Sub w/int to Dist w/int 1000 ft School	c. 94C, § 32J
Poss CL B Sub w/int to Dist/Mfg/Cult w/in 1000 ft School	c. 94C, § 32J
Possess Class A Substance	c. 94C, § 34
Possess Class A Substance, Intent to Distribute	c. 94C, § 32(a)
Possess Class B Substance	c. 94C, § 34
Possess Class B Substance, Intent to Distribute	c. 94C, § 32A(a)
Possess Class B Substance, w/Intent Dist/Mfg	c. 94C, § 32A
Possess Class C Substance, Intent to Distribute	c. 94C, § 32B(a)
Possess Class C Substance, Sub Offense	c. 94C, § 34
Possess Class D Substance, Intent to Distribute	c. 94C, § 32C(a)
Possess Class D Substance, Sub Offense	c. 94C, § 34
Poss Class D Sub w/int to Dist w/int 1000 ft School	c. 94C, § 32J
Possess Class E Substance, Intent to Distribute	c. 94C, § 32D
Possess Controlled Sub w/Intent Distrib, Sub off	c. 94C, § 32(b)
Possess Firearm w/o License	c. 269, § 10(h)
Possess Firearm, Serial/ID Num Oblit	c. 269, § 11C
Possess Firearm, Serial/ID Num Oblit, Comm Felony	c. 269, § 11B
Possess Infernal Machine	c. 266, § 102A
Possess Machine Gun w/o License	
Possess Machine Gun or Sawed off Shot Gun, Sub Offense	c. 269, § 10d
Possess Matter Harmful Minor	c. 272, § 28
Possess M/V Master Key	c. 266, § 49
Possess Shotgun, Barrel Und 18 "Sawed Off"	c. 269, § 10(c)
Possess Shotgun, Barrel Und 18 "Sawed Off, Sub off	c. 269, § 10d
Receive/Buy Stolen M/V	c. 266, § 28(a)
Sell Ammunition w/o License	c. 140, § 122B
Sell Obscene Literature, under 18	c. 272, § 28
Sell Firearm w/o License	c. 140, § 128
Throw Explosives	c. 266, § 102
Trafficking in Cocaine w/in 1000 ft School	c. 94C, § 32J
Trafficking in Heroin w/in 1000 ft School	c. 94C, § 32J
Trafficking in Marij w/in 1000 ft School	c. 94C, § 32J
Unarmed Assault, Intent to Rob	c. 265, § 20
Unarmed Robbery	c. 265, § 19(b)
Unarmed Robbery, Victim 60+	c. 265, § 19(a)
Unlawful Possession, Bomb	c. 148, § 35
Unlawful Possession, Firearm, Commission Felony	c. 265, § 18B
Unlawfully Place Explosives	c. 266, § 102
Unnatural Acts	c. 272, § 35
Utter False Prescription	c. 94C, § 33
Vandalize Church/Synagogue/Cemetery	c. 266, § 127A
Vandalize School/Church/Educational Bldg	c. 266, § 98
Violate Domestic Protective Order	c. 208, § 34C
Violate Stalking Law	c. 265, § 43(a)
Violation of Protective Order (209a)	c. 209A, § 7

Conspiracy to Commit any of above Offenses  
Attempts to Commit any Crime in this Category  
Accessory Before any Crime in this Category

Table C MGL

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A&B	c. 265, § 13A
A&B on Public Servant	c. 265, § 13D
A&B on Police Officer	c. 265, § 13D
A&B or Assault on Correctional Officer	c. 127, § 38B
Abandon w/o Support of Spouse, or Minor Child	c. 273, § 1(1)
Abandon M/V	c. 90, § 22B
Accosting	c. 272, § 53
Adulteration Alcoholic Beverage	c. 138, § 16
Affray	c. 272, § 53
Alien in Possess of Firearm	c. 140, § 131H
Annoying Phone Calls	c. 269, § 14A
Assault	c. 265, § 13A

Attempt to Injure Depository of Valuables	c. 266, § 16
B&E, Intend to Comm Misdemeanor	c. 266, § 16A
B&E Railroad Car	c. 266, § 19
B&E Recognizance Violation	c. 276, § 82A
Being Present Where Heroin Kept	c. 94C, § 35
Civil Rights Violation, No Bodily Injury	c. 265, § 37
Credit Card, Larceny of	c. 266, § 37B
Cruelty to Animals	c. 272, § 77
Discharging Firearm, 500 ft	c. 269, § 12E
Discharging Weapon near Highway/Dwell, Hun	c. 131, § 58
Dispense Controlled Substance, Not Registered	c. 94C, § 25
Distribute Controlled, Substan w/o Prescription	c. 94C, § 25(1)
Engaging in Sex, Prostitution, "John"	c. 272, § 53A
Enter w/o Brk, Truck, Intend Comm Felony	c. 266, § 20A
Fail to Keep Records on Controlled Substance	c. 94C, § 15
Gaming, Implements Found Present, Manager	c. 271, § 17
Gaming, Implements Found Present, Owner	c. 271, § 17
House of Ill Fame	c. 272, § 24
Illegal Possess Class C Substance	c. 94C, § 34
Illegal Possess Class D Substance	c. 94C, § 34
Illegal Possess Class E Substance	c. 94C, § 34
Indecent Exposure	c. 272, § 53
Larceny by Check	c. 266, § 37
Larceny More	c. 266, § 30
Larceny in Bldg, Ship, Vessel, or Rr Car	c. 266, § 20
Larceny in Truck/Trailer	c. 266, § 20B
Larceny, M/V or Trailer	c. 266, § 28
Leave Comm w/o Support Minor Child out of Wdlock	c. 273, § 15
Leave Comm w/o Support of Spouse & Minor Child	c. 273, § 1
Leave Scene after Personal Injury, M/V	c. 90, § 24(2)(a 1/2)(1)
Lewd & Lascivious Speech & Behavior	c. 272, § 53
Malicious Destruc, Pers/Real Prop, over \$250	c. 266, § 127
Manufacture/Distribute Class E Substance	c. 94C, § 32D(a)
Non support of Minor Child out of Wedlock	c. 273, § 15
Non support of Minor Child(ren)	c. 273, § 1
Obscene Telephone Calls	c. 269, § 14A
Obstruct Justice	c. 268, § 34
Open & Gross Lewdness	c. 272, § 16
Operate M/V After License Revoked For Drunk Driving	c. 90, § 23
Operate M/V under Influence, Drugs	c. 90, § 24(1)(a)(1)
Operate M/V under Influence, Liquor	c. 90, § 24
Possess Altered FID Card	c. 140, § 1311
Possess Counterfeit Subs W/intent Distribute	c. 94C, § 32C
Possess Dangerous Weapon Unlawfully	c. 269, § 10(b)
Possess Hypodermic Syringe or Needle	c. 94C, § 27
Possess Obscene "Pornographic" Material	c. 272, § 29
Procure Liquor for Minor	c. 138, § 34
Prostitution	c. 272, § 53A
Receive Stolen Property, over \$250	c. 266, § 60
Riot	c. 269, § 1
Sell/Deliver Alcoholic Beverages Person under 21	c. 138, § 34
Soliciting Prostitute	c. 272, § 8
Shoplifting, 3 <sup>rd</sup> or Sub Offense	c. 266, § 30A
Sodomy	c. 272, § 34
Taking M/V w/o Authority, Steal Parts	c. 266, § 28
Telecommunications Fraud	c. 166, § 42A
Unauthorized Use, Credit Card, over \$250	c. 266, § 37C
Unlawful Possession, Shotgun	c. 140, § 129C
Unlawfully Obtain Controlled Substance	c. 94C, § 33
Use M/V, Commission of Felony	c. 90, § 24(2)(a)
Utter Forged Instrument	c. 267, § 5
Violate Support Order	c. 273, § 1
Violate Support Order, Minor Child out of Wdlock	c. 273, § 15
Wanton Destruction, Pers/Real Property	c. 272, § 73
Willfully & Maliciously Burn M/V	c. 266, § 127
Willfully & Maliciously Kill Beast	c. 266, § 127

~~Conspiracy to Commit any of above Offenses~~  
~~Attempts to Commit any Crime in This Category~~  
~~Accessory Before any Crime in this Category~~

**TABLE A**

<b><u>Crime Name</u></b>	<b><u>MGL</u></b>
<u>ABUSE OF PATIENT IN LONG TERM CARE FACILITY</u>	<u>c. 265, § 38</u>
<u>ARMED CAREER CRIMINAL</u>	<u>c. 269, § 10G</u>
<u>ARSON OF DWELLING HOUSE</u>	<u>c. 266, § 1</u>
<u>ASSAULT &amp; BATTERY, DANGEROUS WEAPON, VICTIM 60 AND OLDER</u>	<u>c. 265, § 15A(a)</u>
<u>ASSAULT &amp; BATTERY ON CHILD</u>	<u>c. 265, § 13J</u>
<u>ASSAULT &amp; BATTERY ON ELDER OR PERSON WITH DISABILITY</u>	<u>c. 265, § 13K</u>
<u>ASSAULT &amp; BATTERY, INTIMIDATION, RACE/COLOR/RELIGION</u>	<u>c. 265, §§ 39(a) and 39(b)</u>
<u>ASSAULT &amp; BATTERY ON RETARDED PERSON</u>	<u>c. 265, § 13F</u>
<u>ASSAULT WITH INTENT TO MURDER OR ROB, ARMED</u>	<u>c. 265, § 18(b)</u>
<u>ASSAULT WITH INTENT TO MURDER OR ROB, VICTIM 60 AND OLDER, ARMED</u>	<u>c. 265, § 18(a)</u>
<u>ASSAULT IN DWELLING, ARMED</u>	<u>c. 265, § 18A</u>
<u>ASSAULT BY DANGEROUS WEAPON, VICTIM 60 AND OLDER</u>	<u>c. 265, § 15B(a)</u>
<u>ASSAULT WITH INTENT TO MURDER OR MAIM</u>	<u>c. 265, § 15</u>
<u>ASSAULT WITH INTENT TO RAPE</u>	<u>c. 265, § 24</u>
<u>ASSAULT WITH INTENT TO RAPE CHILD UNDER 16</u>	<u>c. 265, § 24B</u>
<u>CARJACKING, ARMED</u>	<u>c. 265, § 21A</u>
<u>CHILD IN NUDE OR SEXUAL ACT, POSE/EXHIBIT OR DISTRIBUTE MATERIAL</u>	<u>c. 272, §§ 29A and 29B</u>
<u>CHILD ENTICEMENT</u>	<u>c. 265, § 26C</u>
<u>CIVIL RIGHTS VIOLATION, BODILY INJURY</u>	<u>c. 265, § 37</u>
<u>DRUGS, DISTRIBUTE TO MINOR</u>	<u>c. 94C, § 32F</u>
<u>DRUGS, TRAFFICKING IN COCAINE</u>	<u>c. 94C, § 32E(b)(1)-(b)(4)</u>
<u>DRUGS, TRAFFICKING IN HEROIN</u>	<u>c. 94C, § 32E(c)(4)</u>
<u>DRUGS, TRAFFICKING IN MARIJUANA</u>	<u>c. 94C, § 32E(a)(4)</u>
<u>ELDER/DISABLED, PERMIT ABUSE ON</u>	<u>c. 265, § 13K(a ½)</u>
<u>EXPLOSION, MALICIOUS</u>	<u>c. 266, § 101</u>
<u>EXTORTION</u>	<u>c. 265, § 25</u>
<u>FIREARM, ARMED CAREER CRIMINAL</u>	<u>c. 269, § 10G</u>
<u>HOME INVASION</u>	<u>c. 265, § 18C</u>



<u>Crime Name</u>	<u>MGL</u>
<u>IDENTITY FRAUD</u>	<u>c. 266, § 37E</u>
<u>INCEST</u>	<u>c. 272, § 17</u>
<u>INDECENT ASSAULT &amp; BATTERY ON PERSON 14 OR OVER</u>	<u>c. 265, § 13H</u>
<u>INDECENT ASSAULT &amp; BATTERY ON CHILD UNDER 14</u>	<u>c. 265, § 13B</u>
<u>INDECENT ASSAULT &amp; BATTERY ON CHILD UNDER 14, AGGRAVATED</u>	<u>c. 265, § 13B½</u>
<u>INDECENT ASSAULT &amp; BATTERY ON CHILD UNDER 14, AGGRAVATED, SUBSEQUENT EVENT</u>	<u>c. 265, § 13B¾</u>
<u>INDECENT ASSAULT &amp; BATTERY ON DISABLED/PERSON OVER 60</u>	<u>c. 265, § 13K</u>
<u>INDECENT ASSAULT &amp; BATTERY ON RETARDED PERSON</u>	<u>c. 265, § 13F</u>
<u>KIDNAPPING</u>	<u>c. 265, § 26</u>
<u>MANSLAUGHTER (Voluntary or Involuntary)</u>	<u>c. 265, § 13</u>
<u>MAYHEM</u>	<u>c. 265, § 14</u>
<u>MURDER</u>	<u>c. 265, §§ 1 and 2</u>
<u>OBSCENE PICTURES, DISTRIBUTING</u>	<u>c. 272, §§ 28 and 29</u>
<u>PHOTOGRAPH UNSUSPECTING NUDE PERSON/ PHOTOGRAPH OF UNSUSPECTING NUDE PERSON, DISSEMINATE</u>	<u>c. 272, §§ 104(b) and (c)</u>
<u>PROSTITUTION, DERIVE SUPPORT FROM</u>	<u>c. 272, § 7</u>
<u>PROSTITUTION, DERIVE SUPPORT FROM CHILD</u>	<u>c. 272, § 4B</u>
<u>PROSTITUTION, INDUCE MINOR TO</u>	<u>c. 272, § 4A</u>
<u>PROSTITUTION, MAINTAIN HOUSE OF</u>	<u>c. 272, § 6</u>
<u>PROSTITUTION/UNLAWFUL SEX/ABDUCT PERSON FOR</u>	<u>c. 272, § 2</u>
<u>PROSTITUTION/SOLICITATION (With Person under 14)</u>	<u>c. 272, § 53A(b)</u>
<u>RAPE</u>	<u>c. 265, § 22(b)</u>
<u>RAPE, AGGRAVATED</u>	<u>c. 265, § 22(a)</u>
<u>RAPE &amp; ABUSE OF A CHILD, AGGRAVATED</u>	<u>c. 265, § 23A</u>
<u>RAPE &amp; ABUSE OF A CHILD, AGGRAVATED, SUBSEQUENT EVENT</u>	<u>c. 265, § 23B</u>
<u>RAPE OF CHILD WITH FORCE</u>	<u>c. 265, § 22A</u>
<u>RAPE OF CHILD WITH FORCE, AGGRAVATED</u>	<u>c. 265, § 22B</u>
<u>RAPE OF CHILD WITH FORCE, AGGRAVATED, SUBSEQUENT EVENT</u>	<u>c. 265, § 22C</u>
<u>RAPE OF CHILD (STATUTORY)</u>	<u>c. 265, § 23</u>
<u>RECKLESS ENDANGERMENT TO CHILDREN</u>	<u>c. 265, § 13L</u>

<u>Crime Name</u>	<u>MGL</u>
<u>ROBBERY, ARMED</u>	<u>c. 265, § 17</u>
<u>SEXUAL CONDUCT WITH CHILD UNDER 14, PAY FOR OR FOR FEE</u>	<u>c. 272, § 53A(b)</u>
<u>SEXUAL INTERCOURSE, ADMINISTER DRUGS FOR</u>	<u>c. 272, § 3</u>
<u>SEXUAL INTERCOURSE, INDUCE MINOR</u>	<u>c. 272, § 4</u>
<u>UNNATURAL ACTS WITH CHILD UNDER 16</u>	<u>c. 272, § 35A</u>
<u>WEAPON OF MASS DESTRUCTION</u>	<u>c. 266, § 102C</u>
<u>CONSPIRACY TO COMMIT ANY OF THE ABOVE TABLE A CRIMES</u>	<u>c. 274, § 7</u>
<u>ACCESSORY BEFORE THE FACT OF ANY OF THE ABOVE TABLE A CRIMES</u>	<u>c. 274, § 2</u>
<u>ATTEMPT TO COMMIT ANY OF THE ABOVE TABLE A CRIMES</u>	<u>c. 274, § 6</u>

**TABLE B**

<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>ABANDON CHILD UNDER 10</u>	<u>c. 119, § 39</u>	<u>M</u>
<u>ABANDON CHILD UNDER 10, RESULTING IN DEATH</u>	<u>c. 119, § 39</u>	<u>F</u>
<u>ACCESSORY AFTER FACT (VARIABLE)</u>	<u>c. 272, § 4</u>	<u>F</u>
<u>ACCOSTING; LEWD &amp; LASCIVIOUS CONDUCT; INDECENT EXPOSURE</u>	<u>c. 272, § 53</u>	<u>M</u>
<u>AFFRAY</u>	<u>c. 272, § 53</u>	<u>M</u>
<u>AID ESCAPE FROM CUSTODY</u>	<u>c. 268, § 17</u>	<u>M</u>
<u>ALCOHOLIC BEVERAGES, SELL/DELIVER TO PERSON UNDER 21</u>	<u>c. 138, § 34</u>	<u>M</u>
<u>ALIEN IN POSSESS OF FIREARM</u>	<u>c. 140, § 131H</u>	<u>M</u>
<u>ANIMALS, CRUELTY TO</u>	<u>c. 272, § 77</u>	<u>F</u>
<u>ASSAULT</u>	<u>c. 265, § 13A(a)</u>	<u>M</u>
<u>ASSAULT, AGGREGATED</u>	<u>c. 265, § 13A(b)</u>	<u>F</u>
<u>ASSAULT WITH INTENT TO ROB, UNARMED</u>	<u>c. 265, § 20</u>	<u>F</u>
<u>ASSAULT &amp; BATTERY</u>	<u>c. 265, § 13A(a)</u>	<u>M</u>
<u>ASSAULT &amp; BATTERY ON PUBLIC SERVANT/POLICE OFFICER</u>	<u>c. 265, § 13D</u>	<u>M</u>
<u>ASSAULT &amp; BATTERY ON CORRECTIONAL OFFICER</u>	<u>c. 127, § 38B</u>	<u>F</u>
<u>ASSAULT &amp; BATTERY DANGEROUS WEAPON</u>	<u>c. 265, § 15A(b)</u>	<u>F</u>
<u>ASSAULT &amp; BATTERY, DANGEROUS WEAPON, AGGREGATED</u>	<u>c. 265, § 15A(c)</u>	<u>F</u>
<u>ASSAULT BY DANGEROUS WEAPON</u>	<u>c. 265, § 15B(b)</u>	<u>F</u>
<u>ASSAULT WITH HYPODERMIC NEEDLE, SYRINGE</u>	<u>c. 265, § 15C(a)</u>	<u>F</u>
<u>ASSAULT &amp; BATTERY WITH HYPODERMIC NEEDLE, SYRINGE</u>	<u>c. 265, § 15C(b)</u>	<u>F</u>
<u>ATTEMPT TO INJURE DEPOSITORY OF VALUABLES</u>	<u>c. 266, § 16</u>	<u>F</u>
<u>BETTING; TAKING, ALLOWING</u>	<u>c. 271, § 17</u>	<u>M</u>
<u>BODY ARMOR, USE OF IN COMMISSION OF FELONY</u>	<u>c. 269, § 10D</u>	<u>F</u>
<u>BOMB SCARE /HIJACK THREAT</u>	<u>c. 269, § 14</u>	<u>F</u>
<u>BOMB/EXPLOSIVES, UNLAWFUL POSSESSION</u>	<u>c. 148, § 35</u>	<u>M</u>
<u>BREAKING AND ENTERING DAY, INTENT TO COMMIT FELONY, PERSON IN FEAR</u>	<u>c. 266, § 17</u>	<u>F</u>
<u>BREAKING AND ENTERING DAY, INTENT TO COMMIT FELONY</u>	<u>c. 266, § 18</u>	<u>F</u>

<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>BREAKING AND ENTERING NIGHT, BLDG/SHIP/MOTOR VEHICLE, INTENT TO COMMIT FELONY</u>	<u>c. 266, § 16</u>	<u>F</u>
<u>BREAKING AND ENTERING RAILROAD CAR</u>	<u>c. 266, § 19</u>	<u>F</u>
<u>BREAKING AND ENTERING TRUCK, INTENT TO COMMIT FELONY</u>	<u>c. 266, § 20A</u>	<u>F</u>
<u>BREAKING AND ENTERING, INTENT TO COMMIT MISDEMEANOR</u>	<u>c. 266, § 16A</u>	<u>M</u>
<u>BRIBERY OF A POLICE OFFICER (state/local official or member of the judiciary)</u>	<u>c. 268A, § 2</u>	<u>F</u>
<u>BRIBERY/GIFTS TO INFLUENCE BUSINESS AFFAIRS</u>	<u>c. 271, § 39</u>	<u>F</u>
<u>BURGLARIOUS TOOLS, MAKE OR POSSESS</u>	<u>c. 266, § 49</u>	<u>F</u>
<u>BURGLARIOUS TOOLS, MOTOR VEHICLE MASTER KEY, MAKE OR POSSESS</u>	<u>c. 266, § 49</u>	<u>F</u>
<u>BURGLARY, ARMED</u>	<u>c. 266, § 14</u>	<u>F</u>
<u>BURGLARY, UNARMED</u>	<u>c. 266, § 15</u>	<u>F</u>
<u>BURNING BUILDING</u>	<u>c. 266, § 2</u>	<u>F</u>
<u>BURNING MOTOR VEHICLE OR PERSONAL PROPERTY</u>	<u>c. 266, § 5</u>	<u>F</u>
<u>BURNING TO DEFRAUD INSURANCE CO.</u>	<u>c. 266, § 10</u>	<u>F</u>
<u>BURN MOTOR VEHICLE, WILLFUL &amp; MALICIOUS</u>	<u>c. 266, § 127</u>	<u>F</u>
<u>CIVIL RIGHTS VIOLATION, NO BODILY INJURY</u>	<u>c. 265, § 37</u>	<u>M</u>
<u>COMPOUNDING OR CONCEALING FELONY</u>	<u>c. 268, § 3</u>	<u>F</u>
<u>CONTRIBUTE TO DELINQUENCY OF CHILD</u>	<u>c. 119, § 63</u>	<u>M</u>
<u>CONFINE OR PUT IN FEAR TO STEAL OR ATTEMPT TO STEAL</u>	<u>c. 265, § 21</u>	<u>F</u>
<u>CREDIT CARD, LARCENY OR MISUSE OF</u>	<u>c. 266, § 37B</u>	<u>M</u>
<u>CREDIT CARD, UNAUTHROIZED USE, OVER \$250</u>	<u>c. 266, § 37C</u>	<u>F</u>
<u>CRIMINAL HARASSMENT</u>	<u>c. 265, § 43A(a)</u>	<u>M</u>
<u>CRIMINAL HARASSMENT, SUBSEQUENT OFFENSE</u>	<u>c. 265, § 43A(B)</u>	<u>F</u>
<u>DANGEROUS WEAPON, CARRYING</u>	<u>c. 269, §§ 10(b) and 10(d)</u>	<u>F</u>
<u>DANGEROUS WEAPON, UNLAWFUL POSSESSION</u>	<u>c. 269, § 10(b)</u>	<u>F</u>
<u>DEFACEMENT OF REAL OR PERSONAL PROPERTY</u>	<u>c. 266, § 126A</u>	<u>F</u>
<u>DESTRUCTION OF PROPERTY OVER \$250, MALICIOUS</u>	<u>c. 266, § 127</u>	<u>F</u>
<u>DISORDERLY CONDUCT</u>	<u>c. 272, § 53</u>	<u>M</u>
<u>DRUGS, LARCENY FROM AUTHORIZED PERSON</u>	<u>c. 94C, § 37</u>	<u>F</u>
<u>DRUGS, FAILURE TO KEEP RECORDS</u>	<u>c. 94C, § 15</u>	<u>M</u>

<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>DRUGS, ILLEGAL POSSESSION CLASS C SUBSTANCE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, ILLEGAL POSSESSION CLASS D SUBSTANCE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, ILLEGAL POSSESSION CLASS E SUBSTANCE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, DISPENSE WITHOUT PRESCRIPTION OR WHEN NOT REGISTERED</u>	<u>c. 94C, § 25</u>	<u>M</u>
<u>DRUG PARAPHENELIA, DISTRIBUTE OR INTEND TO DISTRIBUTE</u>	<u>c. 94C, § 32I(a)</u>	<u>M</u>
<u>DRUG PARAPHENELIA, SELL TO MINOR</u>	<u>c. 94C, § 32I(B)</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE</u>	<u>c. 94C, § 32</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE</u>	<u>c. 94C, § 32A</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE</u>	<u>c. 94C, § 32B</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE</u>	<u>c. 94C, § 32C</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE</u>	<u>c. 94C, § 32D(a)</u>	<u>M</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE</u>	<u>c. 94C, § 32A</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS A SUBSTANCE WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, MOTOR VEHICLE HOMICIDE, NEGLIGENT OPERATION</u>	<u>c. 90, § 24G(b)</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS A SUBSTANCE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE</u>	<u>c. 94C, § 32(a)</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS B SUBSTANCE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE</u>	<u>c. 94C, § 32A(a)</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE</u>	<u>c. 94C, § 32B(a)</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS C SUBSTANCE, SUBSEQUENT OFFENSE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE</u>	<u>c. 94C, § 32C(a)</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS D SUBSTANCE, SUBSEQUENT OFFENSE</u>	<u>c. 94C, § 34</u>	<u>M</u>
<u>DRUGS, POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE</u>	<u>c. 94C, § 32D</u>	<u>M</u>
<u>DRUGS, POSSESS CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE, SUBSEQUENT OFFENSE</u>	<u>c. 94C, § 32(b)</u>	<u>F</u>
<u>DRUGS, POSSESS COUNTERFEIT SUBSTANCES WITH INTENT TO DISTRIBUTE</u>	<u>c. 94C, § 32G</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS A SUBSTANCE WITH INTENT TO DISTRIBUTE WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>

<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>DRUGS, POSSESS CLASS B SUBSTANCE WITH INTENT TO DISTRIBUTE WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, POSSESS CLASS D SUBSTANCE WITH INTENT TO DISTRIBUTE WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, TRAFFICKING IN COCAINE WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, TRAFFICKING IN HEROIN WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, TRAFFICKING IN MARIJUANA WITHIN 1000 FT. SCHOOL</u>	<u>c. 94C, § 32J</u>	<u>F</u>
<u>DRUGS, UNLAWFULLY OBTAINING CONTROLLED SUBSTANCE</u>	<u>c. 94C, § 33</u>	<u>F</u>
<u>EMBEZZLEMENT</u>	<u>c. 266, §§ 51-52, 55-59</u>	<u>F</u>
<u>ENTER WITHOUT BREAKING,, BLDG/SHIP/MOTOR VEHICLE, INTENT TO COMMIT A FELONY , PERSON IN FEAR</u>	<u>c. 266, § 17</u>	<u>F</u>
<u>ENTER WITHOUT BREAKING A DWELLING IN NIGHT, INTENT TO COMMIT FELONY</u>	<u>c. 266, § 18</u>	<u>F</u>
<u>ENTER WITHOUT BREAKING, TRUCK, WITH INTENT TO COMMIT FELONY</u>	<u>c. 266, § 20A</u>	<u>F</u>
<u>ESCAPE BY PRISONER</u>	<u>c. 268, § 16</u>	<u>F</u>
<u>ESCAPE, FURLOUGH</u>	<u>c. 268, § 16</u>	<u>F</u>
<u>EXPLOSIVES, THROWING</u>	<u>c. 266, § 102</u>	<u>F</u>
<u>EXPLOSIVES, THROW/PLACE/EXPLODE OR POSSESS WITH INTENT TO INJURE</u>	<u>c. 266, § 102</u>	<u>F</u>
<u>FIREARM, CARRYING LOADED RIFLE/SHOTGUN</u>	<u>c. 269, § 12D(a)</u>	<u>M</u>
<u>FIREARM, CARRYING LOADED OR UNLOADED FIREARM ON A PUBLIC WAY; UNENCLOSED CASE</u>	<u>c. 269, § 12D(b)</u>	<u>F</u>
<u>FIREARM, DISCHARGE WITHIN 500 FT. OF A BUILDING</u>	<u>c. 269, § 12E</u>	<u>M</u>
<u>FIREARM, DISCHARGE WITHIN 500 FT. OF A DWELLING OR NEAR HIGHWAY</u>	<u>c. 131, § 58</u>	<u>M</u>
<u>FIREARM LICENSE/ID CARD, FALSE</u>	<u>c. 140, § 131I</u>	<u>F</u>
<u>FIREARM, POSSESS WITHOUT FIRE ARMS ID</u>	<u>c. 269, § 10(h)</u>	<u>M</u>
<u>FIREARM, POSSESS OF, SERIAL/ID NUMBER OBLITERATED</u>	<u>c. 269, § 11C</u>	<u>F</u>
<u>FIREARM, POSSESS OF, SERIAL/ID NUMBER OBLITERATED, USED IN COMMISION OR ATTEMPTED COMMISION OF A FELONY</u>	<u>c. 269, § 11B</u>	<u>F</u>
<u>FIREARM, SELL WITHOUT LICENSE</u>	<u>c. 140, § 128</u>	<u>F</u>
<u>FIREARM, SHOTGUN, BARREL UND 18 “SAWED OFF”, POSSESS, SUBSEQUENT OFFENSE</u>	<u>c. 269, § 10(d)</u>	<u>F</u>
<u>FIREARM, SHOTGUN, BARREL UND 18 “SAWED OFF”, POSSESS</u>	<u>c. 269, § 10(c)</u>	<u>F</u>
<u>FIREARM UNATTENDED</u>	<u>c. 269, § 10(h)</u>	<u>F</u>



<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>FIREARM, UNLAWFUL POSSESSION, COMMISSION FELONY</u>	<u>c. 265, § 18B</u>	<u>F</u>
<u>FIREARM, SHOTGUN, UNLAWFUL POSSESSION</u>	<u>c. 140, § 129C</u>	<u>M</u>
<u>FIREARM VIOLATION, CARRY WITH AMMUNITION</u>	<u>c. 269, § 10(n)</u>	<u>M</u>
<u>FORGED INSTRUMENT, UTTER</u>	<u>c. 267, § 5</u>	<u>F</u>
<u>FUGITIVE FROM JUSTICE</u>	<u>c. 276, § 20A</u>	<u>M</u>
<u>GUN PERMIT, FALSE INFORMATION FOR</u>	<u>c. 140, § 129</u>	<u>M</u>
<u>HOAX DEVICE/SUBSTANCE, POSSESS/TRANSPORT/USE</u>	<u>c. 266, § 102A ½</u>	<u>F</u>
<u>INDECENT EXPOSURE</u>	<u>c. 272, § 53</u>	<u>M</u>
<u>INFERNAL MACHINE, POSSESS</u>	<u>c. 266, § 102A</u>	<u>F</u>
<u>KIDNAPPING MINOR BY RELATIVE</u>	<u>c. 265, § 26A</u>	<u>M</u>
<u>KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY</u>	<u>c. 265, § 26A</u>	<u>F</u>
<u>KILL BEAST, WILLFUL &amp; MALICIOUS</u>	<u>c. 266, § 112</u>	<u>F</u>
<u>LARCENY, MOTOR VEHICLE OR TRAILER</u>	<u>c. 266, § 28</u>	<u>F</u>
<u>LARCENY, PERSON</u>	<u>c. 266, § 25</u>	<u>F</u>
<u>LARCENY, PERSON 65+</u>	<u>c. 266, § 25</u>	<u>F</u>
<u>LARCENY BY CHECK UNDER \$250</u>	<u>c. 266, § 37</u>	<u>M</u>
<u>LARCENY BY CHECK OVER \$250</u>	<u>c. 266, § 37</u>	<u>F</u>
<u>LARCENY FIREARM</u>	<u>c. 266, § 30</u>	<u>F</u>
<u>LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR</u>	<u>c. 266, § 20</u>	<u>F</u>
<u>LARCENY IN TRUCK/TRAILER</u>	<u>c. 266, § 20B</u>	<u>F</u>
<u>LARCENY OVER \$250</u>	<u>c. 266, § 30</u>	<u>F</u>
<u>LARCENY UNDER \$250</u>	<u>c. 266, § 30</u>	<u>M</u>
<u>LARCENY, BANK EMPLOYEE OR OFFICER</u>	<u>c. 266, § 52</u>	<u>F</u>
<u>LEAVE SCENE AFTER PERSONAL INJURY, MOTOR VEHICLE</u>	<u>c. 90, § 24(2)(a1/2)(1)</u>	<u>M</u>
<u>LEWD &amp; LASCIVIOUS CONDUCT</u>	<u>c. 272, § 53</u>	<u>M</u>
<u>LEWDNESS, OPEN &amp; GROSS</u>	<u>c. 272, § 16</u>	<u>F</u>
<u>LIQUOR, PROCURE FOR MINOR</u>	<u>c. 138, § 34</u>	<u>M</u>
<u>MACHINE OR SAWED OFF SHOT GUN, POSSESSION OF</u>	<u>c. 269, § 10(c)</u>	<u>F</u>
<u>MACHINE GUN, POSSESSION OF WITHOUT LICENSE</u>	<u>c. 269, § 10(c)</u>	<u>F</u>

<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>MANSLAUGHTER BY OPERATING UNDER THE INFLUENCE</u>	<u>c. 265, § 13 ½</u>	<u>F</u>
<u>MEDICAL ASSISTANCE (MEDICAID) FRAUD</u>	<u>c. 118E, § 40</u>	<u>F</u>
<u>MEDICAL ASSISTANCE (MEDICAID) KICKBACK</u>	<u>c. 118E, §41</u>	<u>F</u>
<u>MOTOR VEHICLE HOMICIDE, RECKLESS OPERATION</u>	<u>c. 90, § 24G(b)</u>	<u>F</u>
<u>MOTOR VEHICLE HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENT OR RECKLESS</u>	<u>c. 90, § 24G(a)</u>	<u>F</u>
<u>MOTOR VEHICLE, USE OF IN COMMISSION OF FELONY</u>	<u>c. 90, § 24(2)(a)</u>	<u>F</u>
<u>MOTOR VEHICLE HOMICIDE, UNDER INFLUENCE LIQUOR</u>	<u>c. 90, § 24G(b)</u>	<u>F</u>
<u>MOTOR VEHICLE HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENT OR RECKLESS</u>	<u>c. 90, § 24G(b)</u>	<u>F</u>
<u>MOTOR VEHICLE, OPERATING AFTER LICENSE REVOKED FOR DRUNK DRIVING</u>	<u>c. 90, § 23</u>	<u>M</u>
<u>MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, ALCOHOL</u>	<u>c. 90, § 24(1)(a)(1)</u>	<u>M</u>
<u>MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, ALCOHOL, 3<sup>RD</sup> AND SUBSEQUENT OFFENSE</u>	<u>c. 90, § 24(1)(a)(1)</u>	<u>F</u>
<u>MOTOR VEHICLE, OPERATING UNDER INFLUENCE OF DRUGS, LIQUOR, 3<sup>RD</sup> AND SUBSEQUENT OFFENSE</u>	<u>c. 90, § 24</u>	<u>F</u>
<u>MOTOR VEHICLE, TAKE WITHOUT AUTHORITY, STEAL PARTS</u>	<u>c. 266, § 28</u>	<u>F</u>
<u>OBSCENE MATERIALS HARMFUL TO MINOR, DISTRIBUTE OR POSSESS WITH INTENT TO DISTRIBUTE</u>	<u>c. 272, § 28</u>	<u>F</u>
<u>OBSCENE MATERIALS, POSSESS WITH INTENT TO DISTRIBUTE</u>	<u>c. 272, § 29</u>	<u>F</u>
<u>OBSCENE LITERATURE, SELL TO MINOR</u>	<u>c. 272, § 28</u>	<u>M</u>
<u>OBSTRUCTION OF JUSTICE</u>	<u>Common law</u>	<u>M [See c. 279, § 5 re: penalty for common law crimes.]</u>
<u>PERJURY</u>	<u>c. 268, § 1</u>	<u>F</u>
<u>PRESCRIPTION; FORGERY, ALTER</u>	<u>c. 94C, § 33(b)</u>	<u>F</u>
<u>PRESCRIPTION, UTTER FALSE</u>	<u>c. 94C, § 33</u>	<u>F</u>
<u>PRISONER, DELIVER ARTICLES TO OR FROM INMATE</u>	<u>c. 268, § 31</u>	<u>F</u>
<u>PRISONER, DELIVER DRUGS TO</u>	<u>c. 268, § 28</u>	<u>F</u>
<u>PROSTITUTION/SOLICITATION</u>	<u>c. 272, § 53A</u>	<u>M</u>
<u>PROSTITUTION, ENGAGING IN SEX "JOHN"</u>	<u>c. 272, § 53A</u>	<u>M</u>
<u>PROSTITUTION, KEEP HOUSE OF</u>	<u>c. 272, § 24</u>	<u>M</u>

<u>Crime Name</u>	<u>MGL</u>	<u>Felony or Misdemeanor</u>
<u>PROSTITUTE, SOLICIT FOR</u>	<u>c. 272, § 8</u>	<u>M</u>
<u>RESISTING ARREST</u>	<u>c. 268, § 32B</u>	<u>M</u>
<u>RIOT</u>	<u>c. 269, § 1</u>	<u>M</u>
<u>ROBBERY, UNARMED</u>	<u>c. 265, § 19(b)</u>	<u>F</u>
<u>ROBBERY, UNARMED, VICTIM 60+</u>	<u>c. 265, § 19(a)</u>	<u>F</u>
<u>SEX OFFENDER, FAILURE TO REGISTER</u>	<u>c. 6, § 178H(a)</u>	<u>F</u>
<u>SHOPLIFTING, 3<sup>RD</sup> OR SUBSEQUENT OFFENSE</u>	<u>c. 266, § 30A</u>	<u>M</u>
<u>STALKING</u>	<u>c. 265, § 43(a)</u>	<u>F</u>
<u>STALKING IN VIOLATION OF RESTRAINING ORDER</u>	<u>c. 265, § 43(b)</u>	<u>F</u>
<u>STOLEN PROPERTY, RECEIVE, OVER \$250</u>	<u>c. 266, § 60</u>	<u>F</u>
<u>STOLEN MOTOR VEHICLE, RECEIVE/BUY</u>	<u>c. 266, § 28(a)</u>	<u>F</u>
<u>TELECOMMUNICATIONS FRAUD</u>	<u>c. 166, § 42A</u>	<u>M</u>
<u>TELEPHONE CALLS, ANNOYING OR OBSCENE</u>	<u>c. 269, § 14A</u>	<u>M</u>
<u>UNNATURAL ACTS</u>	<u>c. 272, § 35</u>	<u>F</u>
<u>VIOLATE DOMESTIC PROTECTIVE ORDER</u>	<u>c. 208, § 34C</u>	<u>M (Treat as F)</u>
<u>VIOLATION OF PROTECTIVE ORDER (209A)</u>	<u>c. 209A, § 7</u>	<u>M (Treat as F)</u>
<u>VANDALIZE CHURCH/SYNAGOGUE/CEMETERY</u>	<u>c. 266, § 127A</u>	<u>F</u>
<u>VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG</u>	<u>c. 266, § 98</u>	<u>F</u>
<u>WITNESS, INTIMIDATE OR RETALIATE AGAINST</u>	<u>c. 268, § 13B</u>	<u>F</u>
<u>CONSPIRACY TO COMMIT ANY OF ABOVE TABLE B CRIMES</u>	-	-
<u>ATTEMPTS TO COMMIT ANY OF THE ABOVE TABLE B CRIMES</u>	-	-
<u>ACCESSORY BEFORE ANY OF THE ABOVE TABLE B CRIMES</u>	-	-

#### REGULATORY AUTHORITY

101 CMR 15.00: M.G.L. c. 6A, § 16 and c. 71B, § 12C.