



TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
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June 4, 2014

MIDDLESEX, SS:

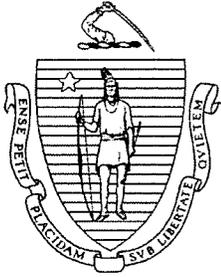
ON THE ABOVE DATE, I POSTED ATTESTED COPIES OF THE AMENDMENT TO THE TOWN GENERAL BYLAW, ARTICLE #30, WHICH PASSED AT THE ANNUAL TOWN MEETING THAT CONVENED ON APRIL 7, 2014. THE ARTICLE MENTIONED FOR THE GENERAL BYLAW, WAS APPROVED BY THE ATTORNEY GENERAL, MARTHA COAKLEY ON JUNE 3, 2014 AND IS POSTED AT THE FOLLOWING PLACES IN THE TOWN OF ACTON:

NAGOG WOODS POST OFFICE, TOWN HALL, WEST ACTON POST OFFICE, CENTER POST OFFICE, PUBLIC SAFETY FACILITY, CENTER LIBRARY AND TOWN WEB PAGE.

CONSTABLE

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

EVA K. SZKARADEK
TOWN CLERK



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
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June 3, 2014

Eva K. Szkaradek, Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

RECEIVED

JUN 4 2014

TOWN CLERK
ACTON

**RE: Acton Annual Town Meeting of April 7, 2014 - Case # 7096
Warrant Articles # 27 and 29 (Zoning)
Warrant Article # 30 (General)**

Dear Ms. Szkaradek:

Article 30 – Except where indicated below we approve Article 30 from the April 7, 2014 Annual Town Meeting.¹

Article 30 amends the Town's general by-laws to add a new Chapter W, Civil Fingerprinting for Municipal Licensing Applicants. The by-law authorizes the Town's police department to conduct state and federal fingerprint-based criminal history checks for individuals applying for certain municipal licenses.

1) The By-law's Authority.

The by-law is specifically authorized by Chapter 256 of the Acts of 2010, incorporated into the Massachusetts General Laws as Chapter 6, Section 172B ½. This statute allows Towns to obtain both state and national fingerprint-based criminal history for license applicants as follows:

Section 172B1/2. Municipalities may, by local ordinance, require applicants for licenses in specified occupations to submit a full set of fingerprints for the purpose of conducting a state and national criminal history records check pursuant to sections 168 and 172 and 28 U.S.C. § 534. Fingerprint submissions may be submitted by the licensing authority to the identification unit within the department of state police through the criminal history systems board, or its successor, for a state criminal records check and to the Federal Bureau of Investigation for a national criminal records check.

¹ In a decision dated May 1, 2014 we approved Articles 27 and 29 and the map amendments related to Article 29.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MARTHA COAKLEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
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cc: Town Counsel Stephen Anderson



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EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 7, 2014, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 8, 2014
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 7, 2014 – 373 AND APRIL 8, 2014 – 430

ARTICLE 30 * AMEND TOWN BYLAWS –
(Majority vote) **CIVIL FINGERPRINTING FOR LICENSING APPLICANTS**

To see if the Town will vote to amend the General Bylaws, by adding Chapter W, as follows, or take any other action relative thereto:

Chapter W
Civil Fingerprinting for Municipal Licensing Applicants

W-1 Definitions

“DCJIS” shall mean the Commonwealth’s Department of Criminal Justice Information Services.

“FBI” shall mean the Federal Bureau of Investigation.

“Fitness Determination” shall mean the applicable determination made by the Police Department, following a background check in accordance with this Chapter, regarding the applicant’s suitability for the applicable license.

“Licensing Authority” shall mean the Town department or agency responsible for issuing the applicable license listed in Section W-2.

“Police Department” shall mean the Acton Police Department.

“Policy” shall mean the Town of Acton Civil Fingerprinting Policy for Licensing Applicants established pursuant to Section W-3.6.

“State Police” shall mean the Massachusetts State Police.

3.5 Prior to the issuance of a negative Fitness Determination pursuant to Section W-3.4, applicants must be afforded the opportunity to provide additional information to, or challenge the accuracy of, the information contained in the fingerprint-based criminal background check, including in the FBI identification record prior to a decision by the Licensing Authority to deny, revoke, or suspend any license or permit.

3.6 The Police Department shall establish, by rule or regulation, the Policy as a civilian fingerprinting policy for the purposes of conducting state and national criminal history records checks of persons applying for certain licenses within the Town.

3.7 A person applying for a license who is required to submit a full set of fingerprints to the licensing authority pursuant to this Chapter may request and receive a copy of his or her criminal history records from the Police Department. Should the license applicant seek to amend or correct his or her record, he or she must contact the DCJIS, the FBI, or their successors, for records from other jurisdictions maintained in their files.

3.8 The Licensing Authority is authorized to deny any application for, or to revoke, or to suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the Licensing Authority in accordance with all applicable laws, rules, or regulations, due to the information obtained pursuant to this Chapter.

3.9 Nothing herein shall limit the Licensing Authority's powers to deny, revoke, suspend, or a condition a license on grounds other than those provided in this Chapter.

W-4 Unauthorized Dissemination of FBI Criminal History Prohibited

4.1 FBI or other criminal history obtained by the Police Department, the Town, or any person or department on behalf of the Town pursuant to this Chapter shall not be disseminated except as permitted by the General Bylaws, the Policy, the Town's Identity Theft Prevention & Detection Policy, and any other applicable law or regulation.

4.2 Agents or employees of the Town that fail to comply with this provision may be subject to sanctions as provided by law, including, where applicable, termination or suspension.

W-5 Effective Date

This Chapter shall take effect upon its approval by the Attorney General pursuant to G.L. c. 40, § 32.

MOTION: Ms. Adachi moves that the Town adopt the General Bylaw amendments as set forth in the Article.

MOTION CARRIES