

HOUSE No. 1727

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to incarceration and its impact on public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carl M. Sciortino, Jr.	34th Middlesex
Denise Provost	27th Middlesex
Paul McMurtry	11th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1723 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INCARCERATION AND ITS IMPACT ON PUBLIC SAFETY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. For five years, commencing immediately upon passage of this act, there shall be no
2 appropriation or expenditure of monies for the planning, site search, promotion, design, acquisition, lease,
3 or construction of new county jails, houses of corrections, or prisons, or for the expansion of existing
4 county jails, houses of corrections, or prisons. .
- 5 SECTION 2. (a) There shall be established a special commission relative to the system of incarceration in
6 the Commonwealth. The study of this special commission includes, but is not limited to:
- 7 1) Review of current practices and policies, including disparate treatment of persons of low income and
8 racial minorities as it relates to rates of arrest, setting of bail, sentencing, parole, access to treatment and
9 reentry services, recidivism, and allegations of human rights violations, inhumane treatment, and suicides
- 10 2) Review of current practices and policies, including treatment of persons of low income and racial
11 minorities, as they relate to rates of arrest, setting of bail, sentencing, parole, access to treatment and
12 reentry services, recidivism, and allegations of human rights violations, inhumane treatment, and suicides
- 13 3) Review of treatment of persons of low income and racial minorities
- 14 4) Investigate causes and impact of overcrowding
- 15 5) Evaluation of the cost-effectiveness of both corrections-based and community-based substance abuse
16 treatment and mental health services on levels of incarceration and recidivism

- 17 6) Review the impact of funding and budget cuts in affordable housing and anti-poverty programs on
18 crime and incarceration rates
- 19 7) Review criminal drug sentencing policies and rates of incarceration, and possible sentencing and/or
20 treatment alternatives
- 21 8) Prevalence of incarcerated individuals with mental illness and substance abuse conditions, and
22 evaluation of possible alternatives to sentencing
- 23 9) Identify alternatives to current sentencing practices, particularly for non violent offenders
- 24 10) Conduct an economic analysis of the cost of incarceration
- 25 (11) Conduct an economic analysis of the ‘public safety’ effectiveness of incarceration
- 26 (12) Review of the expedience of case processing in the criminal justice system, its impact on the length
27 of pre-trial detention
- 28 (13) Review of re-entry programs, and effectiveness in reducing recidivism
- 29 (b) The commission shall be composed of twenty-two members, as follows:
- 30 One representative selected by each of the following:
- 31 -City School, Prison Empowerment Project
- 32 -Criminal Justice Policy Coalition
- 33 -Department of Corrections, appointment shall be a former superintendent with a record of seeking a
34 reduced inmate population and alternatives to incarceration
- 35 -Department of Mental Health, appointment shall be a mental health professional with experience in Post
36 Incarceration Syndrome and community mental health
- 37 -Department of Public Health
- 38 -Freedom Center
- 39 -Harvard School of Law
- 40 -Healthcare for Human Beings
- 41 -Human Rights Watch
- 42 -INCITE! Women of Color Against Violence

43 -Jericho Boston, with a second appointment to be an incarcerated/formerly incarcerated person or family
44 member of incarcerated persons

45 -Law Enforcement Against Prohibition

46 -Massachusetts Correctional Legal Services

47 -National Center on Institutions and Alternatives

48 -National Association on Mental Illness

49 -Out Now

50 -Statewide Harm Reduction Coalition, with a second appointment to be an incarcerated/formerly
51 incarcerated person or family member of incarcerated persons

52 -Through Barbed Wire

53 -University of Massachusetts, expert in the field of economics

54 -University of Massachusetts, expert in the field of psychiatry

55 Nominating organizations shall be encouraged to select commission members of diverse racial, gender,
56 ethnic, religious, age, ability, sexual orientation and socio-economic backgrounds from throughout the
57 commonwealth.

58 The commission shall elect from among its members a chair. The chair of the commission may designate
59 members of the commission as chairs of subcommittees with approval from the commission.

60 (c) Members shall not be compensated for their service but may be reimbursed for necessary expenses
61 incurred in the performance of their duties. The Executive Office of Health and Human Services shall
62 provide staff and other resources to the commission to enable it to carry out its work and may request a
63 supplemental appropriation to reimburse the department for the costs associated with the work of the
64 commission.

65 (d) The special commission shall have two years upon passage of this act to conduct necessary study and
66 investigation. The commission shall hold a minimum of five public hearings in various locations
67 throughout the state.

68 (e) The special commission shall submit draft findings and recommendations for a sixty-day public
69 comment period and public hearing, after which a final report shall be issued to the Governor, the Speaker
70 of the House of Representatives, the Senate President, the Joint Committee on Public Safety and

71 Homeland Security, the Joint Committee on Mental Health and Substance Abuse, and the Chief Justice of
72 the Supreme Judicial Court. The special commission shall have the authority to recommend and file
73 legislation with the Clerk of the House of Representatives and the Clerk of the Senate.

74 (f)The special commission shall dissolve upon completion of its duties and obligations, as indicated by
75 submission of its final findings and recommendations.