

HOUSE No. 1786

The Commonwealth of Massachusetts

PRESENTED BY:

Joan Meschino

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 adoption of the accompanying bill:

An Act relative to dual detention status.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/3/2021</i>

HOUSE No. 1786

By Ms. Meschino of Hull, a petition (accompanied by bill, House, No. 1786) of Joan Meschino relative to juvenile or youthful offenders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1514 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to dual detention status.

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: Chapter 119 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by striking out section 87 and inserting in place thereof the following
3 section:-

4 Section 87. Placement of juvenile in secure detention facility or secure correctional
5 facility or in any institution in which juvenile has contact with adult inmates

6 (a) The department of youth services and the department of correction shall not place in a
7 secure detention facility or secure correctional facility any minor who has:

8 (1) been charged with an offense that is not punishable by a period of incarceration or an
9 offense that is only prohibited for minors, except minors who are held in accordance with the
10 interstate compact on juveniles, as enacted by the commonwealth;

11 (2) not been arraigned on a charge or adjudicated to be a delinquent child or youthful
12 offender, except minors arrested and held in an alternative lock-up program; or

13 (3) been alleged to be dependent on the court, neglected, or abused, or is in the care or
14 custody or under the responsibility of the Department of Children and Families, unless (a) the
15 court has made findings consistent with G. L. c. 276, s. 58A or (b) the juvenile requests such
16 placement in writing.

17 (b) The department of youth services and the department of correction shall not detain or
18 confine any minor identified in subsection (a) or any minor alleged to be or found to be
19 delinquent in any institution in which they have contact with adult inmates; and shall require that
20 individuals employed by the department of youth services or the department of corrections who
21 work with both juveniles and adult inmates be trained and certified to work with juveniles by the
22 department of youth services.

23 The department of youth services and the department of correction shall promulgate
24 regulations and policies for the implementation, administration and enforcement of this section
25 and maintain adequate records to ensure compliance with this section.