

HOUSE No. 02596

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin J. Murphy

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 placing the Department of Youth Services under the jurisdiction of the Department of Public Safety.

PETITION OF:

NAME:

Kevin J. Murphy

DISTRICT/ADDRESS:

18th Middlesex

HOUSE No. 02596

By Mr. Murphy of Lowell, a petition (accompanied by bill, House, No. 2596) of Murphy for legislation to place the Department of Youth Services under the jurisdiction of the Department of Public Safety Joint Committee on State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2955 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to placing the Department of Youth Services under the jurisdiction of the Department of 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. Section 1 of Chapter 18A of the General Laws is hereby amended by
2 striking out the section in its entirety and replacing the section as follows:

3 Section 1. There shall be a department of youth services, in this chapter called the
4 department, which shall be under the supervision and control of a commissioner of youth
5 services, in this chapter called the commissioner. The commissioner of public safety shall
6 appoint, with the approval of the governor, the commissioner who shall serve at the pleasure of
7 the commissioner of public safety and may be removed by the commissioner of public safety at
8 any time, subject to the approval of the governor. The commissioner shall, at the time of his

9 appointment, be qualified by having earned from an accredited institution a graduate degree in
10 the social sciences, education, law or related fields and by having no less than seven years
11 professional or administrative experience in work related to the problems of delinquent children
12 and youth. The position of commissioner shall be classified in accordance with section forty-five
13 of chapter thirty and the salary shall be determined in accordance with section forty-six C of said
14 chapter thirty; he shall devote his full time during business hours to the duties of his office, shall
15 be the executive head of the department and shall have full responsibility for the formulation and
16 execution of all its policies and the coordination of all of its functions. He shall appoint and may
17 remove all employees in the department. Unless otherwise provided by law, all such
18 appointments and removals shall be made in accordance with the provisions of chapter thirty-
19 one.

20 Powers and duties given to any administrative bureau, subdivision or institution of the
21 department by any general or special law shall be exercised and discharged subject to the
22 direction, control and supervision of the commissioner. The department may expend such sums
23 as may be appropriated for grants to cities and towns and to other public agencies and for the
24 purchase of services from other government departments and agencies and from private
25 nonprofit agencies to carry out any of the program and purposes of the department. The
26 commissioner may establish, subject to appropriation, such district offices and employ such field
27 agents as shall be necessary or desirable to carry out the program and purposes of the
28 department. Federal funds granted to the commonwealth to aid in the financing of any of the
29 program and policies of the department shall be credited to a separate fund on the books of the
30 commonwealth only for the purposes of such expenditures to be made under the direction of the

31 commissioner. Federal funds paid as reimbursement to the commonwealth shall be deposited in
32 the General Fund.

33 SECTION 2. Section 3 of said Chapter 18A of the General Laws is hereby
34 amended by striking out the section in its entirety and replacing the section as follows:

35 Section 3. The commissioner shall appoint, with the approval of the commissioner of
36 public safety, a deputy commissioner who shall not be subject to the provisions of chapter thirty-
37 one and to whom the provisions of section nine A of chapter thirty shall not apply, but who shall
38 possess the same qualifications required of the commissioner, except that he shall have had not
39 less than five years of experience in work related to juvenile delinquency, of which at least two
40 shall have been as an administrator. Said deputy commissioner shall serve at the pleasure of the
41 commissioner, and shall devote his full time during business hours to the duties of his office. He
42 shall exercise such authority and discharge such duties of the commissioner as the commissioner
43 may from time to time delegate to him and, in the absence or incapacity of the commissioner, or
44 in the event of a vacancy in the office of commissioner, shall act as the commissioner until the
45 absence or incapacity shall have terminated or the vacancy shall have been filled.

46 SECTION 3. Section 9 of said Chapter 18A of the General Laws is hereby amended by
47 striking out the section in its entirety and replacing the section as follows:

48 Section 9. There shall be in the department an advisory committee consisting of the
49 commissioner of youth services, the commissioner of welfare, the commissioner of the office for
50 children, the commissioner of mental health, the commissioner of education, the chairman of the
51 parole board, the commissioner of correction, the commissioner of probation, the commissioner
52 of rehabilitation, the chairman of the Massachusetts commission against discrimination, the

53 executive secretary of the Massachusetts Society for the Prevention of Cruelty to Children, and
54 the executive secretary of the Massachusetts Committee on Children and Youth, all of whom
55 shall serve ex officio, and nine other persons to be appointed by the commissioner of public
56 safety, with the approval of the governor. Such persons shall have demonstrated professional
57 involvement and expertise in the area of delinquency prevention, rehabilitation, and treatment.
58 Upon the expiration of the term of office of any appointed member, his successor shall be
59 appointed for a term of three years. Any vacancy shall be filled by the commissioner of public
60 safety for the remainder of the unexpired term. The commissioner of public safety shall appoint
61 from the members of said committee a chairman and a vice chairman. The committee may
62 appoint a full time executive secretary. Members of said committee shall serve without
63 compensation, but each member shall be reimbursed by the commonwealth for all reasonable
64 expenses incurred in the performance of his official duties.

65 Said advisory committee shall have the following duties: (a) It shall advise the
66 commissioner on policy, program development and priorities of need in developing a
67 comprehensive program (1) for the treatment, rehabilitation and custody of juvenile offenders
68 and (2) for integration of the juvenile offender into constructive community life. (b) It shall
69 review the annual plan and the proposed annual budget for the department, and shall make
70 recommendations to the commissioner relative thereto. (c) It shall advise on the recruitment
71 policies of the schools in the department. (d) It shall submit an annual report in which it may
72 propose legislation and present material for the education of the public. (e) It shall visit, at its
73 discretion, every institution and facility within the jurisdiction of the department. It shall meet at
74 least four times a year and shall convene special meetings at the call of the chairman of the
75 committee, a majority of the committee, or the commissioner. For the purposes of holding

76 meetings and conducting official business, a majority of the membership shall constitute a
77 quorum. A written record of all meetings of the committee shall be maintained by the executive
78 secretary and a copy filed within fifteen days after each meeting by said secretary with the
79 commissioner of administration and finance.