

HOUSE No. 2955

The Commonwealth of Massachusetts

PRESENTED BY:

Geraldo Alicea

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:

Geraldo Alicea

DISTRICT/ADDRESS:

6th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3169 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 striking out the
2 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 department, which
4 shall be under the supervision and control of a commissioner of youth services, in this chapter called the
5 commissioner. The commissioner of public safety shall appoint, with the approval of the governor, the
6 commissioner who shall serve at the pleasure of the commissioner of public safety and may be removed by the
7 commissioner of public safety at any time, subject to the approval of the governor. The commissioner shall, at the
8 time of his appointment, be qualified by having earned from an accredited institution a graduate degree in the social
9 sciences, education, law or related fields and by having no less than seven years professional or administrative
10 experience in work related to the problems of delinquent children and youth. The position of commissioner shall be
11 classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance
12 with section forty-six C of said chapter thirty; he shall devote his full time during business hours to the duties of his
13 office, shall be the executive head of the department and shall have full responsibility for the formulation and
14 execution of all its policies and the coordination of all of its functions. He shall appoint and may remove all
15 employees in the department. Unless otherwise provided by law, all such appointments and removals shall be made
16 in accordance with the provisions of chapter thirty-one.

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

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

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

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

41 Section 9. There shall be in the department an advisory committee consisting of the commissioner of youth
42 services, the commissioner of welfare, the commissioner of the office for children, the commissioner of mental
43 health, the commissioner of education, the chairman of the parole board, the commissioner of correction, the
44 commissioner of probation, the commissioner of rehabilitation, the chairman of the Massachusetts commission
45 against discrimination, the executive secretary of the Massachusetts Society for the Prevention of Cruelty to
46 Children, and the executive secretary of the Massachusetts Committee on Children and Youth, all of whom shall
47 serve *ex officio*, and nine other persons to be appointed by the commissioner of public safety, with the approval of
48 the governor. Such persons shall have demonstrated professional involvement and expertise in the area of
49 delinquency prevention, rehabilitation, and treatment. Upon the expiration of the term of office of any appointed
50 member, his successor shall be appointed for a term of three years. Any vacancy shall be filled by the commissioner
51 of public safety for the remainder of the unexpired term. The commissioner of public safety shall appoint from the
52 members of said committee a chairman and a vice chairman. The committee may appoint a full time executive
53 secretary. Members of said committee shall serve without compensation, but each member shall be reimbursed by
54 the commonwealth for all reasonable expenses incurred in the performance of his official duties.

55 Said advisory committee shall have the following duties: (a) It shall advise the commissioner on policy,
56 program development and priorities of need in developing a comprehensive program (1) for the treatment,
57 rehabilitation and custody of juvenile offenders and (2) for integration of the juvenile offender into constructive
58 community life. (b) It shall review the annual plan and the proposed annual budget for the department, and shall
59 make recommendations to the commissioner relative thereto. (c) It shall advise on the recruitment policies of the
60 schools in the department. (d) It shall submit an annual report in which it may propose legislation and present
61 material for the education of the public. (e) It shall visit, at its discretion, every institution and facility within the
62 jurisdiction of the department. It shall meet at least four times a year and shall convene special meetings at the call
63 of the chairman of the committee, a majority of the committee, or the commissioner. For the purposes of holding
64 meetings and conducting official business, a majority of the membership shall constitute a quorum. A written record
65 of all meetings of the committee shall be maintained by the executive secretary and a copy filed within fifteen days
66 after each meeting by said secretary with the commissioner of administration and finance.