

HOUSE No. 3089

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 the use of community corrections for pre-trial detainees and criminal defendants.

PETITION OF:

NAME:

Christopher M. Markey

DISTRICT/ADDRESS:

9th Bristol

HOUSE No. 3089

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 3089) of Christopher M. Markey relative to the use of community corrections for pre-trial detainees and criminal defendants. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1486 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the use of community corrections for pre-trial detainees and criminal defendants.

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 16 of chapter 125 of the General Laws, as appearing in 2012
2 Official Edition, is hereby amended by inserting at the end thereof the following sentence:-

3 The commissioner of corrections may, upon approval of the commissioner, place female
4 prisoners held for trial in a community corrections program under chapter 211F.

5 SECTION 2. Section 4 of chapter 126, as appearing in the 2012 Official Edition, is
6 hereby amended by inserting, after the first sentence, the following sentence:-

7 The sheriff, superintendent, keeper or other officer in charge of the jail may, upon
8 approval of the commissioner, place a person who is charged with a crime and committed for
9 trial in a community corrections program under chapter 211F.

10 SECTION 3. Section 48 of chapter 127 of the General Laws, as appearing in the 2012
11 Official Edition, is hereby amended by inserting, after the third sentence, the following
12 sentence:-

13 The commissioner or the administrators of county correctional facilities may, upon
14 approval of the commissioner, place inmates in a community corrections program under chapter
15 211F.

16 SECTION 4. Section 49 of chapter 127, as so appearing, is hereby amended by inserting
17 after the word “facility;”, in line 7, the following words:- or to participate in a community
18 corrections program under chapter 211F;

19 SECTION 5. Section 90A of chapter 127 of the General Laws, as so appearing, is hereby
20 amended by striking out subsection (f) and inserting in place thereof the following section:- (f) to
21 participate in a community corrections program under chapter 211F; or

22 SECTION 6. Said section 90A of chapter 127, as so appearing, is hereby further
23 amended by inserting after subsection (f) the following section:- (g) for any other reason
24 consistent with the reintegration of a committed offender into the community.

25 SECTION 7. Subsection (a) of section 3 of chapter 211F of the General Laws, as
26 appearing in the 2012 Official Edition, is hereby amended by inserting at the end thereof the
27 following 2 sentences:-

28 Under section 49 of chapter 127, the commissioner of corrections or the administrator of
29 a county correctional facility, upon approval of the commissioner, may place in a community
30 corrections program an inmate eligible to participate in education, training or employment under
31 section 48 of chapter 127. Under section 16 of chapter 125 or section 4 of chapter 126, the
32 commissioner of corrections or the administrator of a county correctional facility may, upon
33 approval of the commissioner, place a person who is being held for trial in a community
34 corrections program under chapter 211F.

35 SECTION 8. Subsection (c) of section 3 of chapter 211F of the General Laws, as so
36 appearing, is hereby amended by striking out, in line 8, the word “sentence” and inserting the
37 following words:- court-ordered sentence

38 SECTION 9. Said section 3 of chapter 211F, as so appearing, is hereby further amended
39 by inserting after subsection (d) the following subsection:-

40 (e) Participation in a community corrections program may be ordered by the court, in lieu
41 of bail, or as a condition of release consistent with sections 57, 58, and 58A of chapter two
42 hundred and seventy-six and subject to the eligibility requirements of this section.

43 SECTION 10. Subsection (b) of section 4 of chapter 211F, as so appearing, is hereby
44 amended by inserting after the word “supervision”, in line 34, the following words:- and by the
45 commissioner of corrections, under sections 48, 49 and 90A of chapter 127, for the purpose of
46 re-entry and reintegration or, under section 16 of chapter 125 or section 4 of chapter 126, for the
47 purpose of community supervision of persons held for trial.

48 SECTION 11. Said section 4 of chapter 211F, as so appearing, is hereby further
49 amended by inserting after subsection (c) the following subsection:-

50 (d) Community corrections programs may be utilized by the probation department for
51 pretrial supervision consistent with section eighty-seven of chapter two hundred and seventy-six.