

**HOUSE . . . . . No. 4829**

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Section 89 contained in the engrossed Bill making appropriations for the fiscal year 2019 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment K of House, No. 4833). July 27, 2018

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act establishing a special commission on funding for the department of correction and each sheriff’s department.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish a certain special commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. There shall be a special commission governed by section 2A of chapter 4 of  
2 the General Laws to conduct a comprehensive study to evaluate and make recommendations  
3 regarding the appropriate level of funding for the department of correction and each sheriff’s  
4 department. The commission shall consist of: 2 persons to be appointed by the president of the  
5 senate, 1 of whom shall serve as co-chair of the commission; 2 persons to be appointed by the  
6 speaker of the house of representatives, 1 of whom shall serve as co-chair of the commission; 1  
7 person to be appointed by the minority leader of the senate; 1 person to be appointed by the  
8 minority leader of the house of representatives; the secretary of public safety and security or a  
9 designee; the commissioner of correction or a designee; the secretary of administration and

10 finance or a designee; 2 persons to be appointed by the Massachusetts Sheriffs' Association; and  
11 8 persons to be appointed by the governor, 1 of whom shall be nominated by the Massachusetts  
12 Institute for a New Commonwealth, Inc., 1 of whom shall be nominated by the Pioneer Institute,  
13 Inc., 1 of whom shall be nominated by Prisoners' Legal Services, 1 of whom shall be nominated  
14 by the Massachusetts Bar Association, 1 of whom shall be nominated by the National  
15 Correctional Employees Union, Inc., 1 of whom shall be nominated by the Boston Bar  
16 Association, and 1 of whom shall be employed by a public or private institution of higher  
17 education with an expertise in criminology and criminal justice.

18         The study shall include, but not be limited to: (i) a review of staffing ratios and employee  
19 costs in each state prison and house of correction; (ii) an examination of potential ways to  
20 increase efficiencies and reduce fixed costs in state prisons and houses of correction; (iii) an  
21 analysis of the amount spent by the department of correction and each sheriff's department on  
22 mental health and substance abuse services and the appropriate levels of funding necessary to  
23 meet the service needs of incarcerated people; (iv) a review of all discretionary programming  
24 offered in state prisons and houses of correction, including an analysis of geographical disparities  
25 in discretionary programming; (v) an analysis of chapter 69 of the acts of 2018, its impacts on  
26 state prisons and houses of correction and best practices to implement its requirements; (vi) a  
27 review of the physical assets, infrastructure, buildings and communications equipment owned by  
28 each sheriff's department and state prison; and (vii) a review of the funding sources for the  
29 department of correction and each sheriff's department, including appropriations from the  
30 commonwealth, commissary charges, prison industries, trust fund accounts, intermunicipal  
31 agreements, other inmate fees and expenses and other sources of revenue.

32           The study shall include data for each state prison and house of correction relative to  
33 inmate population, costs per inmate, as defined by the commission, health care expenses, payroll  
34 expenses, including payroll spending on care and custody personnel, and expenses on  
35 programming for recidivism reduction, including case management, reentry support, behavioral  
36 health counseling, education and vocational or workforce development programs. The report  
37 shall include data for the previous 5 fiscal years, the current fiscal year, and projected data for  
38 fiscal year 2020 and fiscal year 2021.

39           The commission shall compare existing funding levels and expenses at each state prison  
40 and house of correction and include a recommendation for an appropriate level or allocation of  
41 funding. The commission shall recommend targeted solutions for each state prison and house of  
42 correction to reduce spending if actual spending is above the recommended level. The  
43 commission may recommend bifurcating the funding line items for prison facilities to better  
44 identify the funding for: (i) fixed costs and payroll spending on care and custody personnel; and  
45 (ii) funding for programming on recidivism reduction.

46           The commission shall propose a funding formula for the department of correction and  
47 each sheriff's department based, in part, on the number of people in their custody and control and  
48 the utilization of best practices in recidivism reduction to safely reduce the population of  
49 incarcerated people. The proposed funding formula shall, to the extent possible, increase the  
50 percentage of spending on evidence-based recidivism reduction programming and reduce or  
51 mitigate projected spending increases.

52           The commission shall have access to data, documents and information necessary for the  
53 performance of the commission's duties under this section. The commission may request, and

54 the department of correction and each sheriff's department shall provide, any such data,  
55 documents or information; provided, however, that nonpublic information shall be provided in an  
56 aggregate and de-identified form; and provided further, that the commission, in collaboration  
57 with the department of correction and the sheriff departments, shall adopt policies and  
58 procedures to ensure the confidentiality of personal information.

59 The commission shall submit a written report of its findings, including legislative and  
60 budgetary recommendations, with the clerks of the senate and house of representatives, the  
61 senate and house committees on ways and means and the joint committee on public safety and  
62 homeland security not later than September 1, 2019.

63 SECTION 2. This act shall take effect as of July 1, 2018.