

**SENATE . . . . . No. 1289**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Cynthia S. Creem*

*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 prison overcrowding.

PETITION OF:

NAME:

*Cynthia S. Creem*

DISTRICT/ADDRESS:

*First Middlesex and Norfolk*

**SENATE . . . . . No. 1289**

---

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1289) of Cynthia S. Creem for legislation relative to sentencing laws. Public Safety and Homeland Security.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1245 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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

An Act relative to prison overcrowding.

*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 commission to study the issue of prison overcrowding, the  
2 threat overcrowding poses to public safety and to make recommendations for the reduction in the  
3 population of the commonwealth’s prisons, houses of corrections and jails. The commission  
4 shall include and be co-chaired by the senate and house chairs of the joint committee on public  
5 safety. The commission’s other members shall be the secretary of public safety, the  
6 commissioner of the department of corrections, the president of the Massachusetts Sheriff’s  
7 Association, and a representative of the Massachusetts Correctional Legal Services.

8 SECTION 2. Chapter 276, as appearing in the 2014 Official Edition, is hereby amended  
9 by striking out section 42 and inserting the following new section:-

10           Section 42. If it appears that a crime has been committed and that there is probable cause  
11 to believe the prisoner guilty, the court or justice shall, if final jurisdiction is not exercised, admit  
12 the prisoner to bail, if the crime is bailable and sufficient bail is offered; otherwise, except as  
13 provided for in section 16 of chapter 125, such prisoner shall be either committed to jail or  
14 placed under electronic supervision by the sheriff until trial. If a prisoner cannot offer sufficient  
15 bail, the court may place them under electronic supervision by the sheriff as an alternative to  
16 being committed to a jail.

17           SECTION 3. Section 57 of chapter 276, as so appearing, is hereby further amended by  
18 inserting in line 10 after the words “or witness to bail” the following words:- or electronic  
19 supervision by the sheriff

20           SECTION 4. Section 57 of chapter 276, as so appearing, is hereby further amended by  
21 inserting in line 14 after the words “to take bail” the following words:- or placed on electronic  
22 supervision