

SENATE No. 1291

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 expanding the use of community corrections and diversion.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/2/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2017</i>

SENATE No. 1291

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1291) of Cynthia S. Creem, Denise Provost and Jay R. Kaufman for legislation to expand the use of community corrections and diversion. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act expanding the use of community corrections and diversion.

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 the 2014
2 Official Edition, is hereby amended by adding, 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 of the General Laws, as appearing in the 2014
6 Official Edition, is 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 crime and committed for trial,
9 in a community corrections program under chapter 211F.

10 SECTION 3. Section 48 of Chapter 127 of the General Laws, as appearing in the 2014
11 Official Edition, is hereby amended by adding, after the third sentence, the following sentence:-

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

15 SECTION 4. Section 49 of Chapter 127 of the General Laws, as so appearing, is hereby
16 amended by adding after the word “facility” in lines 7-8 the following:-

17 or to participate in a community corrections program under chapter 211F.

18 SECTION 5. Section 90A of Chapter 127 of the General Laws, as so appearing, is hereby
19 amended by inserting after the figure “(f)” in line 32, the following:-

20 to participate in a community corrections program under chapter 211F; or (g).

21 SECTION 6. Subsection (a) of section 3 of chapter 211F of the General Laws, as
22 appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the
23 following sentences:-

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

31 SECTION 7. Subsection (c) of section 3 of chapter 211F of the General Laws, as so
32 appearing, is hereby amended by inserting before the word “sentence” in line 8, the following
33 words:- court-ordered.

34 SECTION 8. Said section 3 of chapter 211F of the General Laws, as so appearing, is
35 hereby further amended by inserting at the end the following subsection:-

36 (e) Participation in a community corrections program may be ordered by the court, in lieu
37 of bail, or as a condition of release consistent with sections 57, 58, and 58A of chapter 276 and
38 subject to the eligibility requirements of this section.

39 SECTION 9. Subsection (b) of section 4 of chapter 211F, as so appearing, is hereby
40 amended by inserting at the end thereof the following sentence:-

41 and by the commissioner of corrections, under sections 48, 49 and 90A of chapter 127,
42 for the purpose of re-entry and reintegration or, under section 16 of chapter 125 or section 4 of
43 chapter 126, for the purpose of community supervision of persons held for trial.

44 SECTION 10. Said section 4 of chapter 211F, as so appearing, is hereby further amended
45 by inserting at the end thereof the following:-

46 (d) Community corrections programs may be utilized by the probation department for
47 pretrial supervision consistent with sections 58, 58A or 87 of chapter 276.

48 SECTION 11. The ninth paragraph of section 58 of chapter 276, as appearing in the 2014
49 Official Edition, is hereby amended, in lines 220-221, by striking the words “either by increasing
50 the amount of the recognizance or requiring sufficient surety or both,” and inserting in place
51 thereof the following:-

52 “by requiring additional conditions of release, sufficient surety or unsecured bond,”.

53 SECTION 12. Subparagraph (B) of clause (2) of section 58A of said chapter 276, as so
54 appearing, is hereby amended, in lines 85-87, by striking the subclause (xiv) and by inserting in
55 place thereof the following new subclauses:-

56 “(xiv) participate in a diversion program under chapter 276A, an alternative adjudication
57 program, or in a drug, mental health, veteran or other treatment court program; and

58 (xv) satisfy any other condition that is reasonably necessary to assure the appearance of
59 the person as required and to assure the safety of any other person and the community.”.