

**SENATE . . . . . No. 131**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joan B. Lovely*

*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 resolve:

Resolve establishing a special commission on the treatment of intellectually and developmentally disabled offenders in the criminal justice system.

PETITION OF:

NAME:

*Joan B. Lovely*

DISTRICT/ADDRESS:

*Second Essex*

**SENATE . . . . . No. 131**

By Ms. Lovely, a petition (accompanied by resolve, Senate, No. 131) of Joan B. Lovely for legislation to establish a special commission on the treatment of intellectually and developmentally disabled offenders in the criminal justice system. Children, Families and Persons with Disabilities.

**The Commonwealth of Massachusetts**

In the One Hundred and Ninety-Second General Court  
(2021-2022)

Resolve establishing a special commission on the treatment of intellectually and developmentally disabled offenders in the criminal justice system.

1           **Resolved**, (a) Notwithstanding any special or general law to the contrary, there shall be a  
2 special commission established to study and report on alternatives to the arrest and incarceration  
3 for individuals with developmental and intellectual disabilities. The report shall include, but not  
4 be limited to, findings and recommendations on: (i) existing options for diverting individuals  
5 with disabilities from incarceration; (ii) recommendations for improving the process by which  
6 individuals with disabilities are placed; (iii) techniques to identify individuals at risk due to  
7 developmental or intellectual disabilities or pervasive mental health conditions; (iv) techniques,  
8 services, and other resources to prevent exacerbation of issues.

9           (b) The commission shall consist of the following 21 members: the secretary of health  
10 and human services or a designee, who shall serve as co-chair; the secretary of public safety and  
11 security or a designee, who shall serve as co-chair; the commissioner of the department of  
12 developmental services or a designee; the commissioner of the department of mental health or a  
13 designee; the chairs of the joint committee on the judiciary; the chairs of the joint committee on

14 children, families and persons with disabilities; one member of the senate to be appointed by the  
15 president of the senate; one member of the senate to be appointed by the minority leader; one  
16 member of the house of representatives to be appointed by the speaker of the house of  
17 representatives; one member of the house of representatives to be appointed by the house  
18 minority leader of the house of representatives; the president of the Massachusetts Sheriffs'  
19 Association or a designee; the president of the Massachusetts District Attorneys' Association or  
20 a designee; the president of the Massachusetts Chiefs of Police or a designee; the chief counsel  
21 of the committee for public counsel services or a designee; a representative from the Arc of  
22 Massachusetts; a representative from the Disability Law Center; a representative from the  
23 Disability Policy Consortium; a representative from the Center for Public Representation; a  
24 representative from Dignity Alliance Massachusetts; a representative from an organization  
25 involved with persons who are autistic, to be appointed by the governor; and a clinician with  
26 experience working with intellectually and developmentally disabled individuals in the criminal  
27 justice system, to be appointed by the governor.

28 (c) The commission shall file a report of its findings and recommendations, together with  
29 drafts of legislation necessary to carry those recommendations into effect, with the clerks of the  
30 house of representatives and the senate not later than July 31, 2022.