

SENATE No. 2883

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, July 22, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to successful transition and re-entry to tomorrow for incarcerated persons (Senate, No. 1506), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2883).

For the committee,
Michael J. Rodrigues

SENATE No. 2883

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

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. Chapter 127 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 172. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Correctional facility”, as defined in section 1 of chapter 125.

6 “Family member”, a spouse, child, stepchild, adopted child, sibling, step-sibling, adopted
7 sibling, parent, step-parent, adopted parent, foster parent, grandparent, grandchild, aunt, uncle,
8 niece, nephew or cousin.

9 “Incarcerated person”, a person convicted of a crime and committed under sentence to a
10 correctional facility.

11 (b) Not later than 120 days prior to the expected discharge date of an incarcerated person,
12 or upon learning of an anticipated departure from incarceration within 120 days, the chief

13 administrative officer of the correctional facility shall, with the consent of and on behalf of such
14 incarcerated person, begin the process for securing from the registry of motor vehicles, a
15 Massachusetts identification card by: (i) requesting the necessary documents from personal
16 sources, organizations or government agencies that may hold such documents; and (ii) filing
17 waivers of indigency, if applicable, under section 29 of chapter 261; provided, however, that the
18 chief administrative officer shall, to the extent feasible, secure sufficient documentation for a
19 REAL ID-compliant identification card or REAL ID-compliant license, as defined in section 1 of
20 chapter 90.

21 (c) Notwithstanding sections 8 and 8E of chapter 90, if an incarcerated person attests that
22 they do not have a permanent address, the registrar of motor vehicles shall accept the following
23 for the purpose of issuing an identification card or license: (i) the residence of an adult family
24 member; (ii) a temporary group residence where the incarcerated person intends to reside,
25 including, but not limited to, a homeless shelter or a halfway house; (iii) a place of worship,
26 community center, non-profit organization or a similar institution that provides the incarcerated
27 person services; or (iv) the address of the city or town hall in the municipality in which the
28 incarcerated person intends to reside upon discharge. If an incarcerated person chooses to
29 provide an address from clauses (i), (ii) or (iii), notice shall be sent to the owner and tenant of
30 such residence or property not less than 7 days after application, including an option to object to
31 the listing of the address on the incarcerated person's identification card or license. If the owner
32 or tenant of such residence objects not later than 14 days after receipt of the notice, the
33 incarcerated person shall be provided with the option to select or provide an alternative address.
34 A municipality with a city or town hall that is listed as an address under clause (iv) shall not be
35 liable or responsible for routing an individual's correspondence or possessions.

36 (d) The registry of motor vehicles shall accept a valid inmate identification card issued by
37 a correctional facility in accordance with section 23 of chapter 127 as identification document for
38 purposes of proof of residency for a Massachusetts identification card or license under sections 8
39 and 8E of chapter 90.

40 (e) An incarcerated person may deny assistance under subsection (b) and shall note such
41 refusal and a reason for such refusal in a written and signed form, in a manner prescribed by the
42 commissioner. Annually, not later than March 1, the commissioner shall report to the clerks of
43 the senate and house of representatives, the joint committee on transportation and the joint
44 committee on the judiciary a report detailing the number of incarcerated persons: (i) offered
45 assistance in securing an identification card; (ii) that accepted such assistance; and (iii) that
46 denied such assistance and the listed reasons for that choice.

47 (f) The administrative officer shall not delay efforts to secure an identification card or
48 license while waiting for the registry of motor vehicles to approve the affidavit of indigency. A
49 correctional facility may devote funds from its budget to subsidize or fully cover the fees to
50 provide incarcerated persons in their custody with an identification card or license. A
51 correctional facility shall provide the identification card or license to an incarcerated person upon
52 discharge from the correctional facility.

53 (g) Nothing in this section shall be construed to extend the sentence of an incarcerated
54 person, nor shall an incarcerated person be held solely for the purpose of fulfilling the
55 requirements of this section.

56 SECTION 2. Not later than 90 days after the effective date of this act, the department of
57 correction, in consultation with the registry of motor vehicles, shall promulgate regulations to
58 implement section 1.