

**SENATE . . . . . No. 946**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James E. Timilty*

*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 to promote public safety through the equitable allocation of funding for prosecutors and public defenders in the Commonwealth.

PETITION OF:

NAME:

*James E. Timilty*

DISTRICT/ADDRESS:

*Bristol and Norfolk*

**SENATE . . . . . No. 946**

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 946) of James E. Timilty for legislation to promote public safety through the equitable allocation of funding for prosecutors and public defenders in the Commonwealth. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 830 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act to promote public safety through the equitable allocation of funding for prosecutors and public defenders in the Commonwealth.

*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. Notwithstanding any special or general law to the contrary, no later than  
2 October 1, 2016, the Chief Justice of the Administrative Office of the Trial Court shall submit to  
3 the secretary of the Executive Office of Administration and Finance, the chairpersons of the  
4 house and senate committees on ways and means, the chief counsel of the Committee for Public  
5 Counsel Services (CPCS) and the executive director of the Massachusetts District Attorneys  
6 Association a report indicating the number of all criminal and delinquency cases initiated in the  
7 courts of the Commonwealth during fiscal year 2015, delineated as follows: the number of  
8 criminal cases filed in the district courts and in the Boston Municipal Court; the number of  
9 youthful offender and delinquency cases filed in the juvenile courts; the number of criminal  
10 cases filed in the superior courts and, of those cases, how many were cases charging murder or

11 manslaughter; and the number of petitions filed by the Commonwealth in superior court seeking  
12 the commitment of a respondent as a sexually dangerous person under G.L. ch. 123A. For  
13 purposes of this section the term “case” shall mean one defendant with one set of related criminal  
14 charges. The report shall indicate, of those cases or petitions, the number where the  
15 Commonwealth was represented by an assistant district attorney. The report shall also indicate,  
16 of those cases or petitions, the number where the defendant was represented by a public defender  
17 employed by the Committee for Public Counsel Services and the number where the defendant  
18 was represented by a private attorney employed by the Committee for Public Counsel Services.

19           SECTION 2. Notwithstanding any special or general rule to the contrary, in determining  
20 budgets for fiscal year 2017 and each fiscal year thereafter, the executive office of administration  
21 and finance and the House and Senate committees on ways and means shall weight all cases as  
22 follows: each district court criminal case and juvenile delinquency case shall be counted as one;  
23 each petition seeking a commitment under G.L. ch. 123A shall be counted as three; each superior  
24 court criminal case shall be counted as three; and each homicide or manslaughter case shall be  
25 counted as four. From these weights there shall be determined a caseload ratio for the District  
26 Attorneys and the Committee for Public Counsel Services. On or after January 1, 2017, in no  
27 event shall the annual total appropriation, including supplemental funding, for the District  
28 Attorneys or the criminal caseload of the Committee for Public Counsel Services exceed this  
29 ratio by more than 10%.