

HOUSE No. 1373

The Commonwealth of Massachusetts

PRESENTED BY:

Gloria L. Fox

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 passage of the accompanying bill:

An Act to ease the transition of ex offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gloria L. Fox	7th Suffolk
Mayor Thomas M. Menino	One City Hall Plaza Boston, MA 02201
Willie Mae Allen	6th Suffolk
Steven J. D'Amico	4th Bristol
William Lantigua	16th Essex
Matthew C. Patrick	3rd Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1430 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO EASE THE TRANSITION OF EX OFFENDERS.

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.

2 4200-0300 For the Transitional Employment Service program through the Youth Options
3 Unlimited Center in Boston, a division of EDIC/Boston; provided further, that all funds shall be
4 used for operational and programmatic costs of the Transitional Employment Service program
5 for youth under the supervision of DYS and young adult offenders under the supervision of the
6 Suffolk County House of Corrections for the purpose of providing education and workforce
7 training to troubled youths who may re-offend upon their release into the community

8 \$250,000

9 Workforce Training Fund100%

10 8910-0000 For hiring additional full-time educational staff in county correctional facilities;
11 provided further, that this funding shall not replace any funds previously dedicated for this
12 purpose by the Department of Corrections or county correctional facilities; provided further, that
13 not less than \$200,000 shall be dedicated to the Suffolk County House of Corrections for the
14 General Education Diploma (GED) program through the Boston Re-Entry
15 Initiative.....\$350,000

16 Workforce Training Fund 100%

17 SECTION 2. Section 172A of chapter 6 of the General Laws, as appearing in the 2006 Official
18 Edition, shall hereby be amended by inserting after the words “provided, however, that if a

19 person shall be found indigent, as defined in section 27a of chapter 261, the board shall not
20 impose a fee”, the following words: -

21 “provided further, that no fee shall be imposed upon an individual incarcerated within a
22 Massachusetts state or county facility who seeks to review his report for accuracy; provided
23 further, such reports shall only be provided to an inmate free-of-charge once every three months,
24 and not more than twice per calendar year.”

25 SECTION 3. Section 172 of chapter 6 of the General Laws, as so appearing, is amended by
26 striking paragraphs five and six and inserting in place thereof the following:-

27 “Notwithstanding any other special or general law to the contrary, the following
28 information shall be available on a one-time basis to any person who meets the conditions set
29 forth in clause (c): a summary, which may include conviction data that the board maintains in a
30 standardized public format, including the custody status and placement within the correction
31 system; provided, however, that no information shall be disclosed that identifies family
32 members, friends, medical or psychological history or any other personal information. Under no
33 circumstances shall this section affect the availability of criminal offender records as referenced
34 in section 178D of Chapter 6. Any violation of the provisions for this section shall be subject to
35 the penalties referenced in this section.”

36 SECTION 4. Section 172 of chapter 6 of the General Laws, as so appearing, is hereby amended
37 by inserting at the end thereof the following new paragraphs:-

38 “Any agency or individual who requests access to criminal offender record information will be
39 required to participate in a training session offered by the board for the purposes of accurate
40 interpretation and understanding of such criminal offender record information. The board shall
41 work with the executive office of public safety to determine the course content and schedule, but
42 it shall be offered not less than once per month. The attendee at such training session shall be the
43 person or persons charged with making hiring decisions or judging suitability for a post. Said
44 attendee will not be required to attend a training session more than once every five years,
45 provided that said attendee continues in that position for five years consecutively. The board
46 may charge a nominal fee for participation in said training session, not to exceed \$25 per
47 attendee. Under no circumstances shall the information received from the board be available for
48 sale or other financial benefit by any party authorized access.

49 Any violation of this section relative to collection, dissemination, sale or use shall carry a penalty
50 of up to a \$1000 or one year in the House of Corrections. The attorney general shall enforce the
51 provisions of this section.”

52 SECTION 5. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended
53 by inserting after paragraph (1) the following new paragraph:

54 (m) Tax Credit for Employers of Recently Released Inmates. Any employer employing a
55 recently released inmate, as defined herein, shall receive a tax credit in the following amount:

56 (a) \$2500 credit for employing a recently released inmate for at least nine months in a tax year
57 beginning after the passage of this act;

58 (b) a \$5000 credit for employing a recently released inmate for at least two years; or

59 (c) a \$7500 credit for employing a recently released inmate for at least three years.

60 For the purposes of this section, "recently released inmate," shall mean a person released from
61 prison within three years of being employed by said corporation.

62 SECTION 6. Chapter 63 of the General Laws, as so appearing, is hereby amended by inserting
63 after Section 38T the following section:-

64 Section 38U. A corporation shall be allowed a credit, as hereinafter provided, against its excise
65 due under this chapter as follows:

66 (a) a \$2500 credit for employing a recently released inmate for at least nine months in a tax year
67 beginning after the passage of this act;

68 (b) a \$5000 credit for employing a recently released inmate for at least two years;

69 (c) a \$7500 credit for employing a recently released inmate for at least three years.

70 For the purposes of this section, "recently released inmate," shall mean a person released from
71 prison within three years of being employed by said corporation.

72 SECTION 7. Chapter 127 is amended by adding after section 136 the following new section: -

73 Section 136A. Health and discharge planning.

74 Section 1. As used in this section, the following words shall, unless the context clearly requires
75 otherwise, have the following meanings:

76 "Community-based providers", community health centers, health departments, and faith-based
77 organizations that provide long-term physical, mental and emotional health.

78 "Discharge planning", process of providing sufficient medications and arranging for necessary
79 follow-up health services before the inmate's release to the community.

80 Section 2. Discharge planning within the house of corrections shall include: (1) formal linkages
81 between the facility and community-based organizations on behalf of an individual inmate; (2) a
82 list of community providers that shall be provided to the inmate upon discharge; (3) formal
83 discussions with the inmate that emphasize the importance of appropriate health follow-up and

84 aftercare; and (4) specific health appointments and medications that are arranged for the patient
85 at the time of release.

86 Discharge planning shall begin once an inmate has been incarcerated in preparation for his/her
87 release. Correctional staff overseeing reentry programs shall be connected to comprehensive
88 case management services provided by community-based providers in the interest of creating a
89 comprehensive post-release care continuum.

90 Case managers shall begin to work with inmates and discharge planners prior to release and
91 provide an individual assessment in order to determine needed physical and mental health
92 services and programs, including substance abuse or mental health treatment. These assessments
93 shall follow the inmate through his/her term of incarceration and inmates shall be encouraged to
94 maintain the curriculum upon release.

95 Section 3. In order to ensure continuity of care and health services, the department of public
96 health, in conjunction with the Suffolk county house of corrections, shall be directed to
97 implement a pilot study within the Suffolk county house of corrections, which includes features
98 of the Hampden county correctional center, so-called.

99 This pilot shall establish a “Bridge Case Manager” to assist inmates in accessing the range of
100 services from housing and education/training to substance abuse and mental health issues. The
101 “Bridge Case Manager” will also ensure a linkage between the inmate and most appropriate
102 service prior to release. “Bridge Case Managers” shall be trained to provide referrals, crisis
103 intervention and follow up with appropriate health care and social service providers to ensure the
104 successful reintegration of exiting inmates, and shall be certified as such by the department of
105 public health.

106 Essential components of discharge planning within the Suffolk county pilot program shall
107 include:

108 A.)Health care services, including: 1.) scheduling of a primary care appointment at a community
109 health center/hospital in neighborhood to which the inmate may be returning once he/she is
110 released, 2.) provision of an application for a state-insured health insurance card to be given to
111 the inmate upon release, 3.) links with community-based providers, such as substance abuse
112 services, mental health providers, in order that exiting inmates may continue their own care, 4.)
113 arrangement for a sufficient supply of current medications to last until the inmate can be seen by
114 a community health care provider, especially in the case of inmates with chronic illnesses such as
115 heart disease, hypertension, HIV/AIDS, Hepatitis C, and diabetes. A prescription shall be
116 provided when appropriate.

117 (B) Educational training, in conjunction with One-Stop Career Centers

118 (C) Employment and Career counseling, in conjunction with One-Stop Career Centers

119 (D) Transitional housing, in conjunction with the Department of Housing and Urban
120 Development

121 (E) Family Reunification, in conjunction with the department of social services and the
122 department of youth services

123 SECTION 8. Section 2 of Chapter 151A of the General Laws, as so appearing, is hereby
124 amended by inserting at the end of the fourth paragraph the following:-

125 “; and (d) such individual has been an inmate in a Massachusetts or county correctional facility
126 within the last five years and has performed service with that employer for at least one year, but
127 not more than three years, consecutively.”

128 SECTION 9. Chapter 151B of the General laws is hereby amended by inserting in section 4,
129 after subsection 9A, the following subsection:-

130 9B. For any employer, employer’s agent, employment agency, educational or training institution
131 or other entity or program doing business in the commonwealth to perform the unlawful practice
132 of using an application form that asks the applicant if he or she has committed a felony or has
133 been convicted of a crime regardless of the length of time passed since such conviction, or
134 otherwise has been arrested or has been accused in the adult criminal, or the juvenile delinquency
135 justice systems, whether by a check box or yes or no question.

136 SECTION 10. Section 100A of chapter 276 of the General Laws, as so appearing, is hereby
137 amended in its first paragraph by striking, in the second sentence, clauses (1) and (2) and
138 inserting in place thereof the following:-

139 “(1) that said person, if a first-time offender, had not been found guilty within the
140 commonwealth, for a year after the end of any probation, of any criminal offense punishable by
141 incarceration for one year or more; (2) that said person's court appearance and court disposition
142 records, including termination of court supervision, probation or sentence for any misdemeanor
143 occurred not less than three years prior to said request; (3) that said person's court appearance
144 and court disposition records, including termination of court supervision, probation or sentence
145 for any felony occurred not less than seven years prior to said request;”

146 and further amended in said section by striking clause (3) and inserting in place thereof the
147 following:-

148 “(4) that said person had not been found guilty within the commonwealth in the ten years
149 preceding such request of any criminal offense punishable by incarceration for one year or more”

150 and further amending said section by striking the number (4) and inserting in place thereof the
151 number (5), and further amending said section by striking the number (5) and inserting in place
152 thereof the number (6).

153 SECTION 11. Section 100A of Chapter 276 of the General Laws, as so appearing, is hereby
154 amended by striking the fifth paragraph and inserting in place thereof the following paragraph:-

155 An application for employment used by an employer shall not inquire, nor shall an employer
156 inquire orally, about criminal offender record information, unless said employer meets the
157 standards for access by the criminal history systems board, as contained in section 172 of chapter
158 6 of the General Laws or any other section that specifically grants such access.