

HOUSE No. 3132

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

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 relative to pre-trial services.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|-----------------------------------|
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> |
| <i>William Crocker</i> | <i>2nd Barnstable</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>Eileen M. Donoghue</i> | <i>First Middlesex</i> |
| <i>Shawn Dooley</i> | <i>9th Norfolk</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Robert M. Koczera</i> | <i>11th Bristol</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> |
| <i>Rady Mom</i> | <i>18th Middlesex</i> |

Sarah K. Peake

4th Barnstable

Elizabeth A. Poirier

14th Bristol

David T. Vieira

3rd Barnstable

HOUSE No. 3132

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 3132) of Timothy R. Whelan and others relative to pre-trial services. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to pre-trial services.

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 211F of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 3 the following new section:-

3 Section 3A. (a) Participation in a pretrial services program may be ordered by the court,
4 in lieu of bail or as a condition of release consistent with sections 57, 58 and 58A of chapter 276.
5 The court may dictate the duration and conditions of the pretrial services program. Any
6 conditions should be imposed to ensure the return of the defendant to court. Successful
7 completion of an imposed pretrial services program shall provide for deduction in time from the
8 sentence imposed by the court, if a person is convicted of the offense for which the pretrial
9 services program was imposed. Such deduction shall not exceed more than 5 days per program
10 or activity for each month while said prisoner is partaking in any of the said programs or
11 activities; provided, however, that in no event shall said deduction exceed a maximum monthly
12 total of 10 days.

13 (b) The probation department may utilize pretrial services programs for pretrial
14 supervision consistent with sections 87 and 87A of chapter 276, upon agreement by the person
15 before the court who is charged with an offense or crime.

16 (c) An individual held in jail may be released to probation to enter a pretrial services
17 program upon the agreement of the commissioner of probation and the sheriff who has custody
18 of the individual.

19 (d) Placement of an individual in a pretrial services program shall require victim
20 notification as required under subsection (t) of section 3 of chapter 258B.