

HOUSE No. 4320

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 8, 2024.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1439) of Michael S. Day and David M. Rogers relative to the Justice Reinvestment Oversight Board, reports recommending that the accompanying bill (House, No. 4320) ought to pass.

For the committee,

MICHAEL S. DAY.

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

An Act relative to clarity and consistency for the Justice Reinvestment Oversight Board.

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. Section 18³/₄ of chapter 6A of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out clauses (12) through (14) and inserting in
3 place thereof the following:-

4 (12)(i) to establish data collection and reporting standards for the trial court and criminal
5 justice agencies, including the probation service, the parole board, the executive office of public
6 safety and security, the department of correction, houses of correction, county jails, and the
7 several district attorneys to enable their submission of data including the capture and reporting of
8 information on the criminal justice population, and the recording of all applicable charges and
9 convictions. The secretary shall promulgate regulations regarding: (i) the format for the
10 submission of the data and (ii) the categories and types of data required to be submitted,
11 including, but not limited to: (A) a unique statewide identification number assigned to each
12 person who enters the criminal justice system, including but not limited to the fingerprint-based
13 state identification number and the probation central file number; (B) the offense for which the
14 person has been incarcerated; (C) the date and time of the offense, (D) the location of the

15 offense; (E) the race, ethnicity, gender and age of the person, whether the person is a primary
16 caretaker of a child and the status of the person's reproductive health needs; (F) the person's risk
17 and needs assessment scores; (G) their participation and completion of evidence-based programs;
18 and (H) the dates of jail entrance or exit or the entrance date to the department or house of
19 correction custody, wrap-up release date and actual release date.

20 (ii) the data collected pursuant to clause (i) shall be in the form of a cross-tracking
21 system for data collection and reporting standards for the trial court and for criminal justice
22 agencies, including the probation service, the parole board, the executive office of public safety
23 and security, the department of correction, houses of correction, county jails, and the several
24 district attorneys. The cross-tracking system shall require the trial court and these agencies to
25 use a unique state identification number assigned to each person who enters the criminal justice
26 system and to incorporate the unique state identification number into their data systems upon a
27 person's initial transfer to their jurisdiction. Anonymized cross-agency data shall be made
28 available to the public for analysis through an application programming interface which allows
29 access to all electronically available records.

30 (13) to establish data collection and reporting standards for the trial court and criminal
31 justice agencies, including the probation service, the parole board, the executive office of public
32 safety and security, the department of correction, houses of correction, county jails, and the
33 several district attorneys relative to recidivism rates for rearraignment, reconviction and
34 reincarceration. Recidivism rates, determined by the data collected, shall be reported annually to
35 the secretary. The data shall be submitted by each agency to the secretary who shall
36 subsequently publish the information quarterly on the executive office of public safety and

37 security website. Reported data shall be tracked over 1-, 2- and 3-year periods and include
38 categorizations by race, ethnicity, gender and age.

39 (14) to establish data collection and reporting standards for the trial court and criminal
40 justice agencies, including the probation service, the parole board, the executive office of public
41 safety and security, the department of correction, houses of correction, county jails, and the
42 several district attorneys to standardize methods of reporting of race and ethnicity data to
43 facilitate assessment of the racial and ethnic composition of the criminal justice population of the
44 commonwealth. The trial court and these agencies shall coordinate to ensure that racial and
45 ethnic data related to populations, trends and outcomes is reported accurately to the secretary of
46 the executive office of public safety and security and the public.

47 SECTION 2. Section 11 of chapter 7D of the General Laws, as appearing in the 2022
48 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
49 thereof the following:-

50 The board shall meet quarterly to review the compliance of the trial court and criminal
51 justice agencies, including the probation service, the parole board, the executive office of public
52 safety and security, the department of correction, houses of correction and, county jails and the
53 several district attorneys in: (1) collecting and submitting data required by paragraphs (12), (13)
54 and (14) of section 18³/₄ of chapter 6A; (2) making said data available to the public as required
55 by said paragraphs 12, 13 and 14 of said section 18³/₄ through the development of data portals to
56 make data without personally identifiable information so available; and (3) maintaining policies
57 ensuring accurate data collection across racial, ethnic and gender classifications; provided, that
58 compliance shall include a review of whether the methods of data collection are appropriately

59 screening for gender-specific risk or needs that may be addressed by evidence-based programs.
60 A report on the collection of data and the compliance with justice reinvestment policies shall be
61 submitted annually to the clerks of the house of representatives and the senate on or before July
62 1.