

SENATE No. 1275

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 the use of community corrections for pre-trial detainees and criminal defendants.

PETITION OF:

NAME:

Patricia D. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

SENATE No. 1275

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1275) of Patricia D. Jehlen for legislation relative to the use of community corrections for pre-trial detainees and criminal defendants. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the use of community corrections for pre-trial detainees and criminal defendants.

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 16 of chapter 125 of the General Laws, as appearing in 2012
2 Official Edition, is hereby amended by adding, at the end thereof, the following sentence:-

3 The commissioner may, upon approval of the commissioner of probation, place female
4 prisoners held for trial in a community corrections program under chapter 211F.

5 SECTION 2. Section 4 of chapter 126 of the General Laws, as so appearing, is hereby
6 amended by inserting, after the first sentence, the following sentence:-

7 The sheriff, superintendent, keeper or other officer in charge of the jail may, upon
8 approval of the commissioner of probation, place a person, who is charged with crime and
9 committed for trial, in a community corrections program under chapter 211F.

10 SECTION 3. Section 48 of Chapter 127 of the General Laws, as so appearing, is hereby
11 amended by adding, after the third sentence, the following sentence:-

12 The commissioner or the administrators of county correctional facilities may, upon
13 approval of the commissioner of probation, place inmates in a community corrections program
14 under chapter 211F.

15 SECTION 4. Section 49 of Chapter 127 of the General Laws, as so appearing, is hereby
16 amended by adding after the word “facility” in line 7 the following sentence:-

17 or to participate in a community corrections program under chapter 211F;

18 SECTION 5. Section 90A of Chapter 127 of the General Laws, as so appearing, is hereby
19 amended by adding after subsection (e) the following subsection:-

20 ; (f) to participate in a community corrections program under chapter 211F; or

21 SECTION 6. Subsection (a) of section 3 of chapter 211F of the General Laws, as so
22 appearing, is hereby amended by inserting at the end thereof the following sentences:-

23 Under section 49 of chapter 127, the commissioner of corrections or the administrator of
24 a county correctional facility, upon approval of the commissioner of probation, may place in a
25 community corrections program an inmate eligible to participate in education, training or
26 employment under section 48 of chapter 127. Under section 16 of chapter 125 or section 4 of
27 chapter 126, the commissioner of corrections or the administrator of a county correctional
28 facility may, upon approval of the commissioner of probation, place a person who is being held
29 for trial in a community corrections program under chapter 211F.

30 SECTION 7. Subsection (c) of section 3 of chapter 211F of the General Laws, as so
31 appearing, is hereby amended by adding before the word “sentence”, in line 8, the following
32 words:-

33 court-ordered.

34 SECTION 8. Section 3 of chapter 211F of the General Laws, as so appearing, is hereby
35 amended by adding the following subsection:-

36 (e) Participation in a community corrections program may be ordered by the court, in lieu
37 of bail, or as a condition of release consistent with sections 57, 58, and 58A of chapter two
38 hundred and seventy-six and subject to the eligibility requirements of this section.

39 SECTION 9. Subsection (b) of section 4 of chapter 211F of the General Laws, as so
40 appearing, is hereby amended by adding at the end thereof the following sentence:-

41 and by the commissioner of corrections, under sections 48, 49 and 90A of chapter 127,
42 for the purpose of re-entry and reintegration or, under section 16 of chapter 125 or section 4 of
43 chapter 126, for the purpose of community supervision of persons held for trial.

44 SECTION 10. Section 4 of chapter 211F of the General Laws, as so appearing, is hereby
45 amended by adding the following subsection:-

46 (d) Community corrections programs may be utilized by the probation department for
47 pretrial supervision consistent with section eighty-seven of chapter two hundred and seventy-six.