

HOUSE No. 1723

The Commonwealth of Massachusetts

PETITION OF:

Carl M. Sciortino, Jr.
Denise Provost
William N. Brownsberger

Peter V. Kocot

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO INCARCERATION AND ITS IMPACT ON PUBLIC SAFETY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For five years, commencing immediately upon passage of this act, there shall be no appropriation or expenditure of monies for the planning, site search, promotion, design, acquisition, lease, or construction of new county jails, houses of corrections, or prisons, or for the expansion of existing county jails, houses of corrections, or prisons. .

SECTION 2.

(a) There shall be established a special commission relative to the system of incarceration in the Commonwealth. The study of this special commission includes, but is not limited to:

- 1) Review of current practices and policies, including disparate treatment of persons of low income and racial minorities as it relates to rates of arrest, setting of bail, sentencing, parole, access to treatment and reentry services, recidivism, and allegations of human rights violations, inhumane treatment, and suicides
- 2) Review of current practices and policies, including treatment of persons of low income and racial minorities, as they relate to rates of arrest, setting of bail, sentencing, parole, access to treatment and reentry services, recidivism, and allegations of human rights violations, inhumane treatment, and suicides
- 3) Review of treatment of persons of low income and racial minorities
- 4) Investigate causes and impact of overcrowding

- 5) Evaluation of the cost-effectiveness of both corrections-based and community-based substance abuse treatment and mental health services on levels of incarceration and recidivism
- 6) Review the impact of funding and budget cuts in affordable housing and anti-poverty programs on crime and incarceration rates
- 7) Review criminal drug sentencing policies and rates of incarceration, and possible sentencing and/or treatment alternatives
- 8) Prevalence of incarcerated individuals with mental illness and substance abuse conditions, and evaluation of possible alternatives to sentencing
- 9) Identify alternatives to current sentencing practices, particularly for non violent offenders
- 10) Conduct an economic analysis of the cost of incarceration
- (11) Conduct an economic analysis of the 'public safety' effectiveness of incarceration
- (12) Review of the expedience of case processing in the criminal justice system, its impact on the length of pre-trial detention
- (13) Review of re-entry programs, and effectiveness in reducing recidivism

(b) The commission shall be composed of twenty-two members, as follows:

One representative selected by each of the following:

- City School, Prison Empowerment Project
- Criminal Justice Policy Coalition
- Department of Corrections, appointment shall be a former superintendent with a record of seeking a reduced inmate population and alternatives to incarceration
- Department of Mental Health, appointment shall be a mental health professional with experience in Post Incarceration Syndrome and community mental health
- Department of Public Health
- Freedom Center
- Harvard School of Law
- Healthcare for Human Beings
- Human Rights Watch
- INCITE! Women of Color Against Violence
- Jericho Boston, with a second appointment to be an incarcerated/formerly incarcerated person or family member of incarcerated persons
- Law Enforcement Against Prohibition
- Massachusetts Correctional Legal Services
- National Center on Institutions and Alternatives
- National Association on Mental Illness
- Out Now
- Statewide Harm Reduction Coalition, with a second appointment to be an incarcerated/formerly incarcerated person or family member of incarcerated persons

- Through Barbed Wire
- University of Massachusetts, expert in the field of economics
- University of Massachusetts, expert in the field of psychiatry

Nominating organizations shall be encouraged to select commission members of diverse racial, gender, ethnic, religious, age, ability, sexual orientation and socio-economic backgrounds from throughout the commonwealth.

The commission shall elect from among its members a chair. The chair of the commission may designate members of the commission as chairs of subcommittees with approval from the commission.

(c) Members shall not be compensated for their service but may be reimbursed for necessary expenses incurred in the performance of their duties. The Executive Office of Health and Human Services shall provide staff and other resources to the commission to enable it to carry out its work and may request a supplemental appropriation to reimburse the department for the costs associated with the work of the commission.

(d) The special commission shall have two years upon passage of this act to conduct necessary study and investigation. The commission shall hold a minimum of five public hearings in various locations throughout the state.

(e) The special commission shall submit draft findings and recommendations for a sixty-day public comment period and public hearing, after which a final report shall be issued to the Governor, the Speaker of the House of Representatives, the Senate President, the Joint Committee on Public Safety and Homeland Security, the Joint Committee on Mental Health and Substance Abuse, and the Chief Justice of the Supreme Judicial Court. The special commission shall have the authority to recommend and file legislation with the Clerk of the House of Representatives and the Clerk of the Senate.

(f) The special commission shall dissolve upon completion of its duties and obligations, as indicated by submission of its final findings and recommendations.