

HOUSE No. 501

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

April 12, 2007.

To the Honorable Senate and House of Representatives:

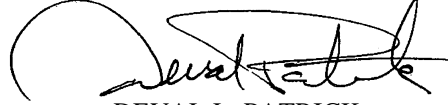
I am filing for your consideration legislation entitled “An Act to Enhance Information Sharing Concerning At-Risk Juveniles.”

I have filed legislation today to shrink the supply of illegal firearms, to toughen penalties for those who would carry and use illegal guns in our streets, and to make sure that every person who is released from incarceration is monitored during a period of post-release supervision. While these proposals are necessary to meet the challenges posed by illegal firearms and violent criminals, it is imperative that we continue to search for ways to prevent young people from entering the criminal justice system in the first place.

To that end, this legislation allows a wide range of government agencies — school officials, juvenile court personnel representatives from district attorney’ offices, Department of Social Services case workers, and others — to meet, share information, and devise a comprehensive, coordinated response for meeting the needs of at-risk juveniles. While some amount of information-sharing takes place now, it occurs informally, infrequently, and — too often — surreptitiously. To ensure that juveniles get the services they need in time to steer them away from further contact with the criminal justice system, state law should facilitate sharing of information about at-risk youth among government agencies.

I urge your prompt and favorable consideration of this legislation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Deval Patrick', with a large, sweeping flourish on the left side.

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ENHANCING INFORMATION SHARING CONCERNING AT-RISK
JUVENILES.

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

1 Chapter 12 of the General Laws is hereby amended by adding
2 the following section:—

3 Section 33. (a) Notwithstanding any general or special law to
4 the contrary, the district attorney in each district may establish,
5 subject to appropriation, a community-based juvenile/youthful
6 justice program for the purposes of ensuring the safety and secu-
7 rity of the public and private schools of that district; addressing
8 the problems of juvenile and youthful violence; improving the
9 services available to school-age youth; ensuring the effective use
10 of resources by state and local law enforcement and social service
11 agencies; and promoting collaboration among schools, local and
12 state law enforcement agencies, municipalities, the probation
13 department, and the departments of social services, youth serv-
14 ices, mental health and public health. The program shall assist in
15 the development of school and community-based programs that
16 are designed to prevent violence and delinquency, develop tech-
17 niques for the early identification of at-risk youth, divert non-vio-
18 lent youthful offenders from the juvenile or criminal justice
19 system, and ensure the availability of and access to community-
20 based rehabilitative services including, but not limited to, sub-
21 stance abuse services for youthful offenders when appropriate.

22 (b) Notwithstanding any general or special law to the contrary,
23 for the purpose of establishing, implementing, or carrying out the
24 program, employees and representatives of the following agencies
25 and departments may, to the extent not prohibited by federal law,
26 discuss and exchange information concerning court records,
27 investigations, court proceedings, and care, custody, educational
28 records and treatment plans of juveniles and school-age persons
29 under the age of 22 who attend public and private elementary,

30 junior high, or high schools in the commonwealth: designated
31 school officials, including but not limited to registered nurses
32 employed by the schools, the probation department, the office of
33 the district attorney, state and local police departments, the office
34 of the sheriff, the department of youth services, the department of
35 social services, the department of mental health, the department of
36 public health, and other social service providers. In no instance
37 shall any aspect of an individual's confidential communications
38 with a sexual assault counselor, as defined in section 20J of
39 chapter 233, be shared among the aforementioned parties.
40 Employees and representatives of the department of social serv-
41 ices, the department of mental health, and the department of
42 public health shall share privileged information only when autho-
43 rized by order of the juvenile court for requests involving a child
44 under the age of 17 and of the district court for requests con-
45 cerning adults, but these employees and representatives may share
46 information regarding the existence of services, treatment plans,
47 and the identity of providers without a court order. Any privileged
48 communication made to a psychotherapist, as defined in section
49 20B of chapter 233, or the results of a court-ordered psychiatric
50 examination shall be shared only when authorized by order of the
51 juvenile court for requests involving a child under the age of 17
52 and of the district court for requests concerning adults. The appro-
53 priate court shall notify the parent or guardian of a person whose
54 privileged information is requested of his right to appear at the
55 hearing regarding the request for access to the privileged informa-
56 tion.

57 (c) Any agency or employee or representative of an agency
58 who, without authority, discloses or disseminates this information
59 or uses this information for purposes not described in this section
60 shall be punished by a fine of not more than \$5,000. The district
61 attorneys shall submit an annual report on the activities, proce-
62 dures, performance, operation, implementation and cost of each
63 community-based juvenile/youthful justice program established
64 under this section to the house and senate committees on ways and
65 means and the joint committee on the judiciary on or before Feb-
66 ruary 1 of each year. The district attorneys, in preparing the
67 reports, shall consult with the office of the chief justice of the
68 juvenile court, the office of the commissioner of probation and the
69 department of social services.