

HOUSE No. 1430

By Ms. Fox of Boston, petition of Gloria L. Fox and others for the establishment of programs to ease the transition of ex offenders. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Gloria L. Fox
Thomas M. Menino
Jarrett T. Barrios
Elizabeth A. Malia
Michael F. Rush
Willie Mae Allen
Kevin G. Honan
Steven A. Tolman
Kay Khan
Michael E. Festa
Marie P. St. Fleur

In the Year Two Thousand and Seven.

AN ACT TO EASE THE TRANSITION OF EX OFFENDERS.

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.

4200-0300	For the Transitional Employment Service program through the Youth Opportunity center in Boston, a division of EDIC/Boston; provided further, that all funds shall be used for operational and programmatic costs of the Transitional Employment Service program for youth under the supervision of DYS and young adult offenders under the supervision of the Suffolk County House of Corrections for the purpose of providing education and workforce training to troubled youths who may re-offend upon their release into the community.....	250,000
	Workforce Training Fund100%	
7003-0803	For the purposes of a public awareness campaign about the tax benefits associated with employment of former inmates of correctional facilities; provided further, that said program shall be administered by the one-stop career centers within the City of Boston and Suffolk county	25,000
	Workforce Training Fund100%	
8910-0000	For hiring additional full-time educational staff in county correctional facilities; provided further, that this funding shall not replace any funds previously dedicated for this purpose by the Department of Corrections or county correctional facilities; provided further, that not less than	

\$200,000 shall be dedicated to the Suffolk County House of Corrections for the General Education Diploma (GED) program through the Boston Re-Entry Initiative	350,000
Workforce Training Fund100%	

1 SECTION 2. Section 172A of Chapter 6 of the General Laws,
 2 as appearing in the 2004 Official Edition, shall hereby be
 3 amended by inserting after the words “provided, however, that if a
 4 person shall be found indigent, as defined in section 27a of
 5 chapter 261, the board shall not impose a fee”, the following
 6 words:—
 7 “provided further, that no fee shall be imposed upon an indi-
 8 vidual incarcerated within a Massachusetts state or county facility
 9 who seeks to review his report for accuracy; provided further,
 10 such reports shall only be provided to an inmate free-of-charge
 11 once every three months, and not more than twice per calendar
 12 year.”

1 SECTION 3. Section 172 of Chapter 6 of the General Laws, as
 2 so appearing, is amended by striking paragraphs five and six and
 3 inserting in place thereof the following:—
 4 “Notwithstanding any other special or general law to the
 5 contrary, the following information shall be available on a one-
 6 time basis to any person who meets the conditions set forth in
 7 clause (c): a summary, which may include conviction data that
 8 the board maintains in a standardized public format, including the
 9 custody status and placement within the correction system;
 10 provided, however, that no information shall be disclosed that
 11 identifies family members, friends, medical or psychological
 12 history or any other personal information. Under no circum-
 13 stances shall this section affect the availability of criminal
 14 offender records as referenced in section 178D of Chapter 6. Any
 15 violation of the provisions for this section shall be subject to the
 16 penalties referenced in this section.”

1 SECTION 4. Section 172 of Chapter 6 of the General Laws, as
 2 so appearing, is hereby amended by inserting at the end thereof
 3 the following new paragraphs:—
 4 “Any agency or individual who requests access to criminal
 5 offender record information will be required to participate in a
 6 training session offered by the board for the purposes of accurate

7 interpretation and understanding of such criminal offender record
8 information. The board shall work with the executive office of
9 public safety to determine the course content and schedule, but it
10 shall be offered not less than once per month. The attendee at
11 such training session shall be the person or persons charged with
12 making hiring decisions or judging suitability for a post. Said
13 attendee will not be required to attend a training session more than
14 once every five years, provided that said attendee continues in that
15 position for five years consecutively. The board may charge a
16 nominal fee for participation in said training session, not to
17 exceed \$25 per attendee. Under no circumstances shall the infor-
18 mation received from the board be available for sale or other
19 financial benefit by any party authorized access.

20 Any violation of this section relative to collection, dissemina-
21 tion, sale or use shall carry a penalty of up to a \$1000 or one year
22 in the House of Corrections. The attorney general shall enforce
23 the provisions of this section.”

1 SECTION 5. Section 6 of chapter 62 of the General Laws, as so
2 appearing, is hereby amended by inserting after paragraph (l) the
3 following new paragraph:

4 (m) Tax Credit for Employers of Recently Released Inmates.
5 Any employer employing a recently released inmate, as defined
6 herein, shall receive a tax credit in the following amount:

7 (a) \$2500 credit for employing a recently released inmate for
8 at least nine months in a tax year beginning after the passage of
9 this act;

10 (b) a \$5000 credit for employing a recently released inmate
11 for at least two years; or

12 (c) a \$7500 credit for employing a recently released inmate
13 for at least three years.

14 For the purposes of this section, “recently released inmate,”
15 shall mean a person released from prison within three years of
16 being employed by said corporation.

1 SECTION 6. Chapter 63 of the General Laws, as so appearing,
2 is hereby amended by inserting after Section 38T the following
3 section:—

4 Section 38U. A corporation shall be allowed a credit, as here-
5 inafter provided, against its excise due under this chapter as
6 follows:

7 (a) a \$2500 credit for employing a recently released inmate
8 for at least nine months in a tax year beginning after the passage
9 of this act;

10 (b) a \$5000 credit for employing a recently released inmate
11 for at least two years;

12 (c) a \$7500 credit for employing a recently released inmate
13 for at least three years.

14 For the purposes of this section, “recently released inmate,”
15 shall mean a person released from prison within three years of
16 being employed by said corporation.

1 SECTION 7. Section 32 of Chapter 121B of the General Laws
2 as most recently amended by Chapter 194 of the Acts of 1998 by
3 inserting after the tenth paragraph, the following paragraph:

4 “In evaluating an applicant’s CORI for the purpose of deter-
5 mining eligibility for state-assisted public housing, each housing
6 authority shall grant the applicant an opportunity to provide docu-
7 mentation of mitigating circumstances relevant to the contents of
8 the CORI report prior to the housing authority’s determination of
9 final eligibility. In the event of a determination of the applicant’s
10 ineligibility the applicant may request an informal hearing or a
11 private conference and upon a further determination of ineligi-
12 bility may request reconsideration by the housing authority or a
13 review by the department. Such procedures are not required in the
14 event the housing authority denies eligibility to the applicant for
15 reasons not related to the CORI report, or determines the applicant
16 to be eligible.”

1 SECTION 8. Section 32 of Chapter 121B of the General Laws,
2 as most recently amended by Chapter 194 of the Acts of 1998, is
3 hereby amended by inserting after the first sentence of the 11th
4 paragraph the following:—

5 “The director of the department of housing and community
6 development shall enumerate a list of felonies, consistent with
7 subsection (d) of this paragraph, for which an application for
8 state-assisted public housing shall be allowed for consideration.

9 Said list shall not include any felony which is considered to be
10 violent or which has occurred more than once, nor any conduct for
11 which a person is required to register as a sex offender pursuant to
12 section 178C of Chapter 6 of the General Laws.”

1 SECTION 9. Chapter 127 is amended by adding after
2 section 136 the following new section:—

3 Section 136A. Health and Discharge Planning

4 Section 1. As used in this section, the following words shall,
5 unless the context clearly requires otherwise, have the following
6 meanings:

7 “Community-based providers”, community health centers,
8 health departments, and faith-based organizations that provide
9 long-term physical, mental and emotional health.

10 “Discharge planning”, process of providing sufficient medica-
11 tions and arranging for necessary follow-up health services before
12 the inmate’s release to the community.

13 Section 2. Discharge planning within the house of corrections
14 shall include: (1) formal linkages between the facility and com-
15 munity-based organizations on behalf of an individual inmate;
16 (2) a list of community providers that shall be provided to the
17 inmate upon discharge; (3) formal discussions with the inmate that
18 emphasize the importance of appropriate health follow-up and
19 aftercare; and (4) specific health appointments and medications
20 that are arranged for the patient at the time of release.

21 Discharge planning shall begin once an inmate has been incar-
22 cerated in preparation for his/her release. Correctional staff over-
23 seeing reentry programs shall be connected to comprehensive case
24 management services provided by community-based providers in
25 the interest of creating a comprehensive post-release care
26 continuum.

27 Case managers shall begin to work with inmates and discharge
28 planners prior to release and provide an individual assessment in
29 order to determine needed physical and mental health services and
30 programs, including substance abuse or mental health treatment.
31 These assessments shall follow the inmate through his/her term of
32 incarceration and inmates shall be encouraged to maintain the
33 curriculum upon release.

34 Section 3. In order to ensure continuity of care and health
35 services, the department of public health, in conjunction with the
36 Suffolk county house of corrections, shall be directed to imple-
37 ment a pilot study within the Suffolk county house of corrections,
38 which includes features of the Hampden county correctional
39 center, so-called.

40 This pilot shall establish a “Bridge Case Manager” to assist
41 inmates in accessing the range of services from housing and
42 education/training to substance abuse and mental health issues.
43 The “Bridge Case Manager” will also ensure a linkage between
44 the inmate and most appropriate service prior to release. “Bridge
45 Case Managers” shall be trained to provide referrals, crisis inter-
46 vention and follow up with appropriate health care and social
47 service providers to ensure the successful reintegration of exiting
48 inmates, and shall be certified as such by the department of public
49 health.

50 Essential components of discharge planning within the Suffolk
51 county pilot program shall include:

52 A.) Health care services, including: 1.) scheduling of a primary
53 care appointment at a community health center/hospital in neigh-
54 borhood to which the inmate may be returning once he/she is
55 released, 2.) provision of an application for a state-insured health
56 insurance card to be given to the inmate upon release, 3.) links
57 with community-based providers, such as substance abuse
58 services, mental health providers, in order that exiting inmates
59 may continue their own care, 4.) arrangement for a sufficient
60 supply of current medications to last until the inmate can be seen
61 by a community health care provider, especially in the case of
62 inmates with chronic illnesses such as heart disease, hypertension,
63 HIV/AIDS, Hepatitis C, and diabetes. A prescription shall be pro-
64 vided when appropriate.

65 (B) Educational training, in conjunction with One-Stop Career
66 Centers

67 (C) Employment and Career counseling, in conjunction with
68 One-Stop Career Centers

69 (D) Transitional housing, in conjunction with the Department
70 of Housing and Urban Development

71 (E) Family Reunification, in conjunction with the department of
72 social services and the department of youth services

1 SECTION 10. Section 2 of Chapter 151A of the General Laws,
2 as so appearing, is hereby amended by inserting at the end of the
3 fourth paragraph the following:—

4 “; and (d) such individual has been an inmate in a Massachu-
5 setts or county correctional facility within the last five years and
6 has performed service with that employer for at least one year, but
7 not more than three years, consecutively.”

1 SECTION 11. Section 100A of chapter 276 of the General
2 Laws, as so appearing, is hereby amended in its first paragraph by
3 striking, in the second sentence, clauses (1) and (2) and inserting
4 in place thereof the following:

5 “(1) that said person, if a first-time offender, had not been
6 found guilty within the commonwealth, for a year after the end of
7 any probation, of any criminal offense punishable by incarceration
8 for one year or more; (2) that said person’s court appearance and
9 court disposition records, including termination of court supervi-
10 sion, probation or sentence for any misdemeanor occurred not less
11 than five years prior to said request; (3) that said person’s court
12 appearance and court disposition records, including termination of
13 court supervision, probation or sentence for any felony occurred
14 not less than eight years prior to said request;”

15 and further amended in said section by striking clause (3) and
16 inserting in place thereof the following:

17 “(4) that said person had not been found guilty within the
18 commonwealth in the ten years preceding such request of any
19 criminal offense punishable by incarceration for one year or
20 more”

21 and further amending said section by striking the number (4)
22 and inserting in place thereof the number (5), and further
23 amending said section by striking the number (5) and inserting in
24 place thereof the number (6).

1 SECTION 12. Section 100A of Chapter 276 of the General
2 Laws, as so appearing, is hereby amended by striking the fifth
3 paragraph and inserting in place thereof the following para-
4 graph:—

5 An application for employment used by an employer shall not
6 inquire, nor shall an employer inquire orally, about criminal

7 offender record information, unless said employer meets the
8 standards for access by the criminal history systems board, as
9 contained in section 172 of chapter 6 of the General Laws or any
10 other section that specifically grants such access.