

HOUSE No. 1663

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to electronic monitoring for pre trial detainees. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ELECTRONIC MONITORING FOR PRE TRIAL DETAINEES.

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 276 of the General Laws is hereby amended by adding
2 the following Section:—

3 Sec. 88 Pretrial Diversion Program.

4 The Sheriff of any county and in the case of women who are com-
5 mitted as pretrial detainees to the Massachusetts Correctional Insti-
6 tution at Framingham, the commissioner of correction, subject to
7 rules and regulations established in accordance with the provisions
8 of this section, may permit a detainee, committed to a jail awaiting
9 disposition of any criminal matter, except those being held for
10 offenses listed in this section, or may permit a person committed to
11 the jail for contempt of court, to be classified to a pretrial diversion
12 program operated by the Sheriff’s Office in the county where the
13 court that committed the detainee is sitting.

14 The Sheriff may extend the limits of the place of confinement of a
15 detainee for the purpose of participation in this program and shall
16 establish a classification system to determine the suitability of
17 detainees who may be potential participants in this program. A
18 person permitted to be away from the jail due to participation in this
19 program may be accompanied by an employee of the Sheriff’s
20 Office in the discretion of the Sheriff or designee of the Sheriff.

21 For the duration of their participation in the program, the detainee
22 shall be deemed to be in custody as a pretrial detainee for the pur-
23 pose of receiving credit pursuant to Chapter 127 Section 129B and
24 Chapter 299 Section 33A toward any sentence they may receive, and

25 may be charged with escape pursuant to Chapter 268 Section 16
26 should they leave the place they are classified to pursuant to their
27 participation in the program without authorization and with no intent
28 to return or should they escape from custody while they are being
29 transported pursuant to their participation in the program. Addition-
30 ally for the duration of their participation in this program only, the
31 detainee may receive additional deductions from any sentence that
32 may be imposed in the case they were committed on, for participa-
33 tion in work, education, or treatment programs designated by the
34 Sheriff pursuant to Chapter 127 Section 129D.

35 No detainee who is charged with murder, any offense that carries
36 the possibility of a life sentence, a violation of Section thirteen, 14,
37 15, 15A, 15B, 16, 17, 18, 18A, 19, 20, 21, 24B, 25, or Section 26 of
38 Chapter 265, or Section 17, 34, or 35, of chapter two hundred and
39 seventy-two, or for an attempt to commit any crime referred to in
40 said sections shall be eligible to participate in the program. No sex
41 offender, or sexually dangerous person as defined in Section 1 of
42 Chapter 123A, or any person who is charged with committing a
43 sexual offense as defined in said Section 1, or any person who vio-
44 lates Section 24B of Chapter 265 shall be eligible to participate in
45 this program.