

HOUSE No. 1723

By Mr. Sciortino of Medford, petition of Carl M. Sciortino, Jr., and others relative to the construction of new correctional facilities and providing for an investigation of incarceration and its impact on public safety. The Judiciary.

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:

1 SECTION 1. For five years, commencing immediately upon pas-
2 sage of this act, there shall be no appropriation or expenditure of
3 monies for the planning, site search, promotion, design, acquisition,
4 lease, or construction of new county jails, houses of corrections, or
5 prisons, or for the expansion of existing county jails, houses of cor-
6 rections, or prisons.

1 SECTION 2. (a) There shall be established a special commission
2 relative to the system of incarceration in the Commonwealth. The
3 study of this special commission includes, but is not limited to:
4 1) Review of current practices and policies, including disparate
5 treatment of persons of low income and racial minorities as it relates
6 to rates of arrest, setting of bail, sentencing, parole, access to treat-
7 ment and reentry services, recidivism, and allegations of human
8 rights violations, inhumane treatment, and suicides
9 2) Review of current practices and policies, including treatment
10 of persons of low income and racial minorities, as they relate to rates
11 of arrest, setting of bail, sentencing, parole, access to treatment and

- 12 reentry services, recidivism, and allegations of human rights viola-
13 tions, inhumane treatment, and suicides
- 14 3) Review of treatment of persons of low income and racial
15 minorities
- 16 4) Investigate causes and impact of overcrowding
- 17 5) Evaluation of the cost-effectiveness of both corrections-based
18 and community-based substance abuse treatment and mental health
19 services on levels of incarceration and recidivism
- 20 6) Review the impact of funding and budget cuts in affordable
21 housing and anti-poverty programs on crime and incarceration rates
- 22 7) Review criminal drug sentencing policies and rates of incarcer-
23 ation, and possible sentencing and/or treatment alternatives
- 24 8) Prevalence of incarcerated individuals with mental illness and
25 substance abuse conditions, and evaluation of possible alternatives
26 to sentencing
- 27 9) Identify alternatives to current sentencing practices, particu-
28 larly for non violent offenders
- 29 10) Conduct an economic analysis of the cost of incarceration
- 30 11) Conduct an economic analysis of the 'public safety' effective-
31 ness of incarceration
- 32 12) Review of the expedience of case processing in the criminal
33 justice system, its impact on the length of pre-trial detention
- 34 13) Review of re-entry programs, and effectiveness in reducing
35 recidivism
- 36 (b) The commission shall be composed of twenty-two members,
37 as follows:
- 38 One representative selected by each of the following:
- 39 • City School, Prison Empowerment Project
 - 40 • Criminal Justice Policy Coalition
 - 41 • Department of Corrections, appointment shall be a former super-
42 intendent with a record of seeking a reduced inmate population and
43 alternatives to incarceration
 - 44 • Department of Mental Health, appointment shall be a mental
45 health professional with experience in Post Incarceration Syndrome
46 and community mental health
 - 47 • Department of Public Health
 - 48 • Freedom Center
 - 49 • Harvard School of Law
 - 50 • Healthcare for Human Beings

51 • Human Rights Watch
52 • INCITE! Women of Color Against Violence
53 • Jericho Boston, with a second appointment to be an incarcer-
54 ated/formerly incarcerated person or family member of incarcerated
55 persons
56 • Law Enforcement Against Prohibition
57 • Massachusetts Correctional Legal Services
58 • National Center on Institutions and Alternatives
59 • National Association on Mental Illness
60 • Out Now
61 • Statewide Harm Reduction Coalition, with a second appoint-
62 ment to be an incarcerated/formerly incarcerated person or family
63 member of incarcerated persons
64 • Through Barbed Wire
65 • University of Massachusetts, expert in the field of economics
66 • University of Massachusetts, expert in the field of psychiatry
67 Nominating organizations shall be encouraged to select commis-
68 sion members of diverse racial, gender, ethnic, religious, age, ability,
69 sexual orientation and socio-economic backgrounds from throughout
70 the commonwealth.
71 The commission shall elect from among its members a chair. The
72 chair of the commission may designate members of the commission
73 as chairs of subcommittees with approval from the commission.
74 (c) Members shall not be compensated for their service but may
75 be reimbursed for necessary expenses incurred in the performance of
76 their duties. The Executive Office of Health and Human Services
77 shall provide staff and other resources to the commission to enable it
78 to carry out its work and may request a supplemental appropriation
79 to reimburse the department for the costs associated with the work of
80 the commission.
81 (d) The special commission shall have two years upon passage of
82 this act to conduct necessary study and investigation. The commis-
83 sion shall hold a minimum of five public hearings in various loca-
84 tions throughout the state.
85 (e) The special commission shall submit draft findings and rec-
86 ommendations for a sixty-day public comment period and public
87 hearing, after which a final report shall be issued to the Governor,
88 the Speaker of the House of Representatives, the Senate President,
89 the Joint Committee on Public Safety and Homeland Security, the

90 Joint Committee on Mental Health and Substance Abuse, and the
91 Chief Justice of the Supreme Judicial Court. The special commis-
92 sion shall have the authority to recommend and file legislation with
93 the Clerk of the House of Representatives and the Clerk of the
94 Senate.

95 (f) The special commission shall dissolve upon completion of its
96 duties and obligations, as indicated by submission of its final find-
97 ings and recommendations.