

HOUSE No. 2333

By Representative Khan of Newton and Senator Jehlen, joint petition of Kay Khan and others relative to establishing a citizen review board to study, review and report on activities of the Department of Correction. Public Safety.

The Commonwealth of Massachusetts

PETITION OF:

Kay Khan	William N. Brownsberger
Patricia D. Jehlen	Denise Provost
Ellen Story	Gloria L. Fox
Timothy J. Toomey, Jr.	Michael E. Festa
Ruth B. Balsler	Byron Rushing
Jennifer L. Flanagan	Jay R. Kaufman
Carl M. Sciortino, Jr.	Susan C. Fargo
Cory Atkins	Alice Hanlon Peisch
Benjamin Swan	

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING THE MASSACHUSETTS CORRECTION COMMISSION.

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. Notwithstanding any general or special law to the
2 contrary, the Governor shall convene the Massachusetts Correction
3 Commission to be known hereinafter as “the commission.” The
4 commission shall be assigned to the executive office of public safety
5 for administrative and fiscal accountability purposes, but it shall oth-
6 erwise function independently of the control and direction of the
7 executive office of public safety. The commission shall consist of
8 the secretary of public safety or a designee; the commissioner of
9 probation or a designee; the chairman of the parole board or a
10 designee; the commissioner of mental health or a designee; the com-
11 missioner of mental retardation or a designee; the commissioner of
12 public health or a designee, ex officio. The president of the senate
13 shall appoint 2 members; the speaker house of representatives shall

14 appoint 2 members. The governor shall appoint 6 members from the
15 following categories:— a person to chair the commission who has
16 experience in state government; a district attorney; a public
17 defender; a sheriff; an expert on prisoner re-entry; and a corrections
18 policy expert. The following organizations shall each make one
19 appointment to the commission:— the Women’s Bar Association
20 shall appoint an attorney with experience in women’s prison issues;
21 the Massachusetts Association of Health Plans shall appoint a health
22 care expert; the National Alliance for the Mentally Ill shall make one
23 appointment; the Massachusetts Taxpayers Foundation shall make
24 one appointment; and Massachusetts Correctional Legal Services
25 shall make one appointment.

26 The terms of the members appointed shall be three years, except
27 that of the first appointed members seven shall be appointed for a
28 term of two years, seven shall be appointed to a term of three years,
29 the chairperson shall be appointed for a term of three years. In the
30 first year of appointments, the governor, in consultation with the
31 chairperson, shall determine which members shall serve which
32 terms.

33 No member of the commission shall be appointed to serve more
34 than two consecutive three-year terms. Upon the expiration of the
35 term of an appointed member, the successor shall be appointed in a
36 like manner for three years. A member ex officio shall not be enti-
37 tled to vote on any matter before the committee.

38 Members of the commission shall receive no compensation but
39 each member shall be reimbursed by the Commonwealth for neces-
40 sary expenses incurred in the performance of his or her official
41 duties. The commission shall adopt bylaws to govern its own pro-
42 ceedings. Said bylaws shall be submitted for approval by the house
43 and senate committees on post-audit and oversight, the joint com-
44 mittee on public safety and homeland security and the joint com-
45 mittee on the judiciary.

1 SECTION 2. The commission shall have the following duties:—

2 (a) It shall study the medical services, including mental health and
3 substance abuse treatment services, and educational, vocational,
4 employment and rehabilitation programs available to prisoners;

5 (b) It shall report annually to the house and senate committees on
6 ways and means and post-audit and oversight, the joint committee

7 on public safety and homeland security and the joint committee on
8 the judiciary on the allocation of resources, specifically fixed and
9 operating costs of any new and preexisting facilities, assets, or per-
10 sonnel utilized by the department of correction. It shall make recom-
11 mendations regarding how to allocate such resources in the most
12 efficient and useful manner for both the taxpayer and the offender. It
13 shall recommend innovative approaches to resolving present and
14 future issues in criminal justice to promote public safety by, but not
15 limited to, modernizing existing facilities, developing alternative
16 sentencing methods to reduce prison overcrowding, reduce recidi-
17 vism, and improve rehabilitation.

18 (c) It shall routinely monitor the financial status of the department
19 of correction to assure that the department is managing revenue,
20 state, federal and grant monies used for the operation of the depart-
21 ment, and any applicable bond proceeds responsibly and in accord-
22 dance with law and established policy;

23 (d) Annually, each correctional institution of the Commonwealth
24 shall be visited by at least one member of the commission. Every
25 member of the commission shall visit at least one correctional insti-
26 tution of the Commonwealth annually;

27 (e) It shall report on the general state of correctional facilities, the
28 administration of correctional policy and practices, the living condi-
29 tions of inmates therein, the general state of working conditions for
30 department of correction employees and, where appropriate, the
31 impact of department of correction policies and inmate living condi-
32 tions upon rates of recidivism and over-classification;

33 (f) It shall provide public education on corrections and criminal
34 justice issues;

35 (g) It may review any existing or proposed regulations promul-
36 gated or under consideration by the department of correction;

37 (h) It shall issue public reports annually to the department of dor-
38 rection, the clerks of the house of representatives and the senate, the
39 house and senate committees on ways and means and post-audit and
40 oversight and the Joint Committee on the Judiciary;

41 (i) It shall advocate on behalf of any recommended reform that
42 should be adopted by the Commonwealth;

43 (j) It shall advise the commissioner of the department of correc-
44 tion on policy development and priorities for department of

45 correction facilities as well as on the department's compliance with
46 legislative and judicial mandates;

47 (k) It shall meet at least 6 times per year upon the call of the
48 chairperson, and other meetings may be called by the chairperson
49 upon giving at least 7 days' notice to all members and the public.
50 Emergency meetings may be held without any notice upon the
51 request of a majority of all voting members;

52 (l) All meetings of the commission shall be open to the public and
53 announced through public notice at least 7 days prior to the meeting
54 date. All inmates housed within department of correction facilities
55 shall be notified of said meetings at least 7 days prior to the meeting
56 date. The commission shall accept written testimony in the event any
57 individual is unable to attend the meeting.

58 (m) A majority of the voting membership of the commission shall
59 constitute a quorum at any meeting of the commission. An action of
60 the commission is not binding unless the action is taken pursuant to
61 an affirmative vote of a majority of voting members present, but not
62 fewer than 8 voting members of the commission must be present,
63 and the vote must be recorded in the minutes of the meeting;

64 (n) The chairperson shall cause to be made a complete record of
65 all the proceedings of the commission, which record shall be open
66 for public inspection;

67 (o) It shall hold semi-annual public hearings. Notice of said
68 public hearings shall be issued at least one month prior to the date of
69 the hearing and shall include information regarding the time and
70 place of the hearing. Notice of said hearing shall also be posted in a
71 public location in all department of correction facilities and distrib-
72 uted to all inmates of said facilities. Accommodations shall be made
73 for inmates in the department of correction facilities to testify before
74 the commission at said public hearings utilizing the most current
75 technology. Written testimony shall be accepted by the commission
76 as well;

77 (p) It shall appoint an executive director or full time equivalent.
78 The executive director or full time equivalent shall have the
79 authority to hire support staff as necessary.

1 SECTION 3. Pursuant to Section 63 of Chapter 3 of the General
2 Laws, the house and senate committees on post-audit and oversight
3 of the general court in cooperation with the joint committee on

4 public safety and homeland security and the joint committee on the
5 judiciary shall have authority to review regulations proposed or
6 adopted by the department of correction. The house and senate Com-
7 mittees on post-audit and oversight may hold public hearings con-
8 cerning a proposed or existing regulation and may submit to the
9 department of correction comments concerning the merit and appro-
10 priateness of the regulations to be promulgated and an opinion
11 whether the regulations are authorized by, and consistent with, these
12 chapters. The department of correction shall respond in writing
13 within 10 days to the house and senate committees on post-audit and
14 oversight written questions relevant to the committee's review of a
15 proposed or existing regulation. The department of correction shall
16 provide to the house and senate committees on post-audit and over-
17 sight, without charge, copies of all public records in the department
18 of correction's custody relating to the regulation or action in ques-
19 tion within 10 days of a request by the house and senate committees
20 on post-audit and oversight. The house and senate committees on
21 post-audit and oversight may issue reports with proposed changes to
22 a proposed or existing regulation and shall transmit this report to the
23 department of correction. If the department of correction does not
24 adopt the proposed changes contained in the house and senate com-
25 mittees on post-audit and oversight's reports, the department of cor-
26 rection shall notify the committee in writing of the reasons why it
27 did not adopt the changes either at the time it adopts a proposed reg-
28 ulation or within 21 days of receiving the committee's report on an
29 existing regulation.

1 SECTION 4. There is hereby appropriated \$200,000 from the
2 executive office of public safety for the establishment, operation,
3 and management of said commission.