

# SENATE NO. 998

## **AN ACT** ESTABLISHING THE JUVENILE CRIME PREVENTION FUND

*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. Chapter 10 of the General Laws is hereby amended by inserting after section 62, as  
2 inserted by section 7 of chapter 164 of 1997, the following section:-

3 Section 63. There shall be established on the books of the commonwealth a separate fund for each  
4 juvenile division of the trial court or, in the case that a juvenile division has not yet been established,  
5 the district court having jurisdiction over juvenile matters, to be known as the Juvenile Crime  
6 Prevention Fund, which fund shall consist of revenues received under the provisions of section 57B of  
7 chapter 218.

8 The state treasurer shall receive, deposit and invest all monies transmitted to him under the provisions  
9 of this section in such manner that will insure the highest interest rate available consistent with safety  
10 of the fund and with the requirement that monies transmitted to the state treasurer pursuant to said  
11 section 57B of said chapter 258B be available for immediate withdrawal for payment to any person  
12 who has paid an assessment to a court pursuant to said section 57B and whose appeal has been upheld.

13 SECTION 2. Chapter 218 of the General Laws is hereby amended by inserting after section 57A, as  
14 appearing in the 1997 Official Edition, the following section:

15 Section 57B. (a) Each court of the trial court of the commonwealth which adjudicates criminal and  
16 delinquency complaints or indictments shall impose an assessment of \$25 against any person  
17 convicted of or adjudicated delinquent by reason of any offense or against whom a finding of  
18 sufficient facts to support a conviction or a finding of delinquency is made. An assessment imposed  
19 pursuant to this section may be reduced or waived only upon a written finding of fact that such  
20 payment would cause the person against whom such assessment is imposed severe financial hardship.  
21 Such a finding shall be made independently of a finding of indigence for purposes of appointing  
22 counsel. If the person is sentenced to a correctional facility in the commonwealth and the assessment  
23 has not been paid, the court shall note the assessment on the mittimus. All such assessments made  
24 shall be collected by the court and shall be transmitted monthly to the state treasurer. If the person  
25 convicted is sentenced to a correctional facility in the commonwealth, the superintendent or sheriff of  
26 the facility shall deduct any part or all of the monies earned or received by any inmate and held by the  
27 correctional facility to satisfy the juvenile crime prevention assessment and shall transmit such monies  
28 to the court monthly. The court shall refund the assessment from any conviction or adjudication of  
29 delinquency is overturned. The court shall deduct such funds from the assessments transmitted to the  
30 state treasurer. Assessments pursuant to this section shall be in addition to any other fines or restitution  
31 imposed in any disposition.

32 (b) Any assessment imposed to paragraph (a) shall be deposited in the Juvenile Crime Prevention  
33 Fund, established by section 63 of chapter 10. Monies in such fund shall be distributed amongst the  
34 juvenile crime prevention boards of each division of the juvenile court department or the district court

35 having jurisdiction over such matters in the case that a juvenile division has not been established, in  
36 the same proportion as the collection of assessments from such juvenile division of district court  
37 represents within such fund. Monies deposited into said fund that are unexpended at the end of the  
38 year shall not revert to the General Fund. The proceeds of the fund shall be made available to the  
39 juvenile crime prevention board of each juvenile division of district court for the prevention of  
40 juvenile crime including, but not limited to, juvenile diversion programs and job skills programs.

41 ( c) There is hereby established, within each division of the juvenile court department, or the district  
42 having jurisdiction over such matters in the case that a juvenile division has not been established, a  
43 juvenile crime prevention board, which board shall consist of five members. The board members shall  
44 include the presiding justice or his designee, a representative of the clerk's office, a representative of  
45 the defense bar whose practice is primarily devoted to defending juvenile delinquency proceedings in  
46 such juvenile division or district court, a representative of juvenile probation and a representative of  
47 the Middlesex District attorney's office. Such members shall serve without compensation. The board  
48 may expend monies from the fund only by majority vote of its members. All members must be present  
49 for any such vote.

50 Distribution: The money collected from this fee would be distributed to each of the juvenile courts in  
51 proportion to the number of juvenile cases handled and supervised by that particular court.

52 Board: In each juvenile court a board would be created to make decisions regarding the spending of  
53 the money raised by the crime prevention fee. The board would consist of the presiding judge of that  
54 juvenile court or a representative, a representative of juvenile probation, a representative of the district  
55 attorney's office , a representative of the juvenile or compensated for their service and would  
56 encourage community input at to what programs and services would be sponsored or created.

57 Approval of Funds: Money could only spent upon a majority vote taken by all five representatives. All  
58 representatives must be present before a vote may be taken.