HOUSE DOCKET, NO. 1326 FILED ON: 1/16/2013

HOUSE . . . . . No. 1376

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos Henriquez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to gang prevention task force.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carlos Henriquez	*5th Suffolk*
Carlo Basile	*1st Suffolk*
Michael F. Rush	*Norfolk and Suffolk*
Martin J. Walsh	*13th Suffolk*
Christine E. Canavan	*10th Plymouth*
Thomas P. Conroy	*13th Middlesex*
Marcos A. Devers	*16th Essex*
David M. Rogers	*24th Middlesex*
Paul A. Schmid, III	*8th Bristol*
Thomas M. Menino, Mayor	*City of Boston*

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By Mr. Henriquez of Boston, a petition (accompanied by bill, House, No. 1376) of Carlos Henriquez and others for legislation to establish a task force (including members of the General Court) relative to sentencing and enforcement of gang-related crimes. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to gang prevention task force.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.There shall be a task force that consists of 15 members, 1 of whom shall be the attorney general, or a designee, who shall serve as chair of the task force; 1 of whom shall be appointed by the Speaker of the House of Representatives; 1 of whom shall be appointed by the Senate President; 2 of whom shall be the chairs of the joint committee on public safety and homeland security; 2 of whom shall be the chairs of the joint committee on the judiciary; 1 of whom shall be the secretary of the executive office of public safety and security, or a designee; 1 of whom shall be the secretary of the executive office of health and human services, or a designee; 3 of whom shall be appointed by the governor, including at least one representative from a community-based organization with a focus on gang violence prevention; 1 of whom shall be appointed by the mayor of the capital city of the commonwealth; 1 of whom shall be a representative of the Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of the Massachusetts District Attorneys Association. The task force shall study ways in which the commonwealth can encourage the prevention of gang violence and gang activity, and provide an assessment of current laws and programs concerning the sentencing and enforcement of gang-related crimes.

The task force shall conduct a comprehensive review and evaluation of state and municipal laws and programs related to the prevention of gang-related crimes and the sentencing and enforcement of these crimes, and their effectiveness. The evaluation shall include, but not be limited to, the current landscape of laws and enforcement tools available for gang-prevention in the commonwealth; local and national best practices for the prevention and reduction of gang-related crimes and activity; and existing gang injunction laws and programs throughout the United States. The task force shall also assess whether civil actions authorizing injunction relief, through criminal penalties for any violations of injunctive orders and through the forfeiture of profits, proceeds, and instrumentalities acquired, accumulated, or used by criminal street gangs, are effective means of punishing and deterring criminal street gang activity.

26 The general court finds that there are criminal street gangs operating in various cities and
27 towns throughout the commonwealth and that the number of gang-related crimes is increasing. It
28 is the intent of the general court in enacting this law to seek eradication of criminal street gang
29 activity by focusing on their patterns of criminal activity and their organized nature, which
30 together are the chief source of terror created by criminal street gangs. The task force shall
31 operate under the declaration that it is the right of every person to be secure and protected from
32 fear, intimidation, and physical harm caused by the activities of violent groups of individuals. It
33 is not the intent of the general court to interfere with the exercise of the constitutionally protected
34 rights of freedom of expression and association.

35 The task force shall submit its findings and recommendations with the clerks of the house
36 of representatives and senate, the joint committee on public safety and homeland security, and
37 the joint committee on the judiciary not later than one year from the effective date of this act.