SENATE DOCKET, NO. 538 FILED ON: 1/19/2011

SENATE . . . . . No. 693

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 enhancing inter-agency cooperation within the juvenile criminal justice system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 538 FILED ON: 1/19/2011

SENATE . . . . . No. 693

By Ms. Creem, a petition (accompanied by bill, Senate, No. 693) of Cynthia S. Creem for legislation to enhance inter-agency cooperation within the juvenile criminal justice system. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1671* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act enhancing inter-agency cooperation within the juvenile criminal justice system.

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. Section 32 of Chapter 12 of the General Laws, as appearing in the 2008 General Edition, is hereby amended by adding the following sections at the end thereof:

(f): Any such community based juvenile justice program task force, operated by a district attorney, which seeks to obtain or to share information with any other office, agency, or individual, including but not limited to schools and local law enforcement representatives, probation and court representatives, the department of social services, department of youth services and department of mental health, shall

(i) be limited to court-involved juveniles or youth who are charged or adjudicated delinquent under the provisions of chapter 119 or as a youthful offender;

(ii) be undertaken only with the stated goal of diverting the juvenile or accused youth from further court adjudicatory proceedings and/or from any custodial sentencing proceedings;

(iii) be undertaken only after the compilation of district-wide services directories, which shall be public records, to assure public access to information concerning the availability of and access to community-based rehabilitative services, including but not limited to after-school programs, residential treatment and other programs, mental health and substance

17 abuse services, and specifically any and all community-based programs and services
18 administered or operated by the office of the district attorney, whether by state or federal or other
19 appropriation or granting mechanism.

20 (iv) be undertaken in order to prepare and implement an
21 individualized service plan for the child or youth. Such service plan shall be in writing, and a
22 copy shall be provided to the child or youth and/or his or her parent(s) or guardian(s) and to any
23 attorney or representative duly authorized by the young person or parent or guardian. Such plan
24 shall include specific information and direction concerning its implementation by the persons or
25 offices responsible for providing services. Any such plan shall be reviewed and its
26 implementation evaluated at sixty-day intervals by the office of the district attorney, the service-
27 provider(s), and the child and family and their attorney or other representative.

28 (g): No information, documents, statements or materials, in whatever form, which
29 are acquired by or generated by any such community-based juvenile justice program task force
30 shall be used or in any way utilized by the office of the district attorney to initiate the prosecution
31 of a child or youth. In any delinquency, youthful offender, or other criminal proceeding in which
32 defense counsel moves for discovery, the commonwealth shall make available to the defense all
33 requested information concerning the conduct of any community-based juvenile justice program
34 task force to allow the full presentation of evidence at a hearing on any motions to dismiss the
35 charges or suppress evidence as the result of any alleged violation of this section.