SENATE DOCKET, NO. 1160 FILED ON: 1/20/2011

SENATE . . . . . No. 898

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 to promote public safety through the equitable allocation of funding for prosecutors and public defenders in the Commonwealth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	☐ *[District]* ☐
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*
Stephen R. Canessa	*12th Bristol*
Shaunna O'Connell	*3rd Bristol*
David B. Sullivan	*6th Bristol*
Paul A. Schmid, III	*8th Bristol*

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 898) of James E. Timilty, Benjamin B. Downing, Stephen R. Canessa, Shaunna O'Connell and other members of the General Court for legislation to promote public safety through the equitable allocation of funding for prosecutors and public defenders in the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

An Act to promote public safety through the equitable allocation of funding for prosecutors and public defenders in the Commonwealth..

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. Notwithstanding any special or general law to the contrary, no later than October 1, 2012, the Chief Justice of the Administrative Office of the Trial Court shall submit to the secretary of the Executive Office of Administration and Finance, the chairpersons of the house and senate committees on ways and means, the chief counsel of the Committee for Public Counsel Services (CPCS) and the executive director of the Massachusetts District Attorneys Association a report indicating the number of all criminal and delinquency cases initiated in the courts of the Commonwealth during fiscal year 2011, delineated as follows: the number of criminal cases filed in the district courts and in the Boston Municipal Court; the number of youthful offender and delinquency cases filed in the juvenile courts; the number of criminal cases filed in the superior courts and, of those cases, how many were cases charging murder or manslaughter; and the number of petitions filed by the Commonwealth in superior court seeking the commitment of a respondent as a sexually dangerous person under G.L. ch. 123A. For purposes of this section the term “case” shall mean one defendant with one set of related criminal charges. The report shall indicate, of those cases or petitions, the number where the Commonwealth was represented by an assistant district attorney. The report shall also indicate, of those cases or petitions, the number where the defendant was represented by a public defender employed by the Committee for Public Counsel Services and the number where the defendant was represented by a private attorney employed by the Committee for Public Counsel Services.

SECTION 2. Notwithstanding any special or general rule to the contrary, in determining budgets for fiscal year 2013 and each fiscal year thereafter, the executive office of administration and finance and the House and Senate committees on ways and means shall weight all cases as follows: each district court criminal case and juvenile delinquency case shall

24 be counted as one; each petition seeking a commitment under G.L. ch. 123A shall be counted as
25 three; each superior court criminal case shall be counted as three; and each homicide or
26 manslaughter case shall be counted as four. From these weights there shall be determined a
27 caseload ratio for the District Attorneys and the Committee for Public Counsel Services. On or
28 after January 1, 2013, in no event shall the annual total appropriation, including supplemental
29 funding, for the District Attorneys or the criminal caseload of the Committee for Public Counsel
30 Services exceed this ratio by more than 10%.