

HOUSE No. 3825

The Commonwealth of Massachusetts

PRESENTED BY:

Randy Hunt

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 adoption of the accompanying bill:

An Act to provide Addiction/Sobriety Solutions through Increased Substance Treatment (ASSIST).

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Donald Humason</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>

<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>

HOUSE No. 3825

By Mr. Hunt of Sandwich, a petition (subject to Joint Rule 12) of Randy Hunt and others for an investigation by a special commission (including members of the General Court) relative to mandated treatment and monitoring of nonviolent offenders with substance addictions. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to provide Addiction/Sobriety Solutions through Increased Substance Treatment (ASSIST).

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. There is hereby established a special commission for the purposes of
2 developing eligibility criteria for mandated treatment or monitoring of nonviolent offenders with
3 substance addictions and proposing reforms. The court addiction commission shall consist of the
4 court administrator or designee, who shall serve as the chair; the chief justice of the trial court or
5 designee; the attorney general or designee; the secretary of public safety and security or
6 designee; the commissioner of the department of correction or designee; the chair of the parole
7 board or designee; the commissioner of the department of probation or designee; the chief
8 counsel of the committee for public counsel services or designee; one member of the senate,
9 appointed by the senate president; one member of the senate, appointed by the senate minority
10 leader; one member of the house of representatives, appointed by the speaker of the house; one
11 member of the house of representatives, appointed by the house minority leader; the president of
12 the Massachusetts District Attorneys Association or designee; the president of the Massachusetts
13 Bar Association or designee; one substance addiction treatment expert, appointed by the
14 governor; and one mental health treatment expert, appointed by the governor.

15 SECTION 2. Such investigation and study shall include, but not be limited to: (a)
16 evaluation of the application and effectiveness of “Standards on Substance Abuse,” approved by
17 the justices of the supreme judicial court on April 28, 1998, and recommendations to improve
18 and ensure the consistent application of the standards in the courts; (b) evaluation and
19 recommendations for improvement of specialty courts that address substance addictions,
20 including current eligibility requirements or practices, availability of such courts, and use of best

21 practices in establishing quality of services; (c) evaluation of the number and type of nonviolent
22 offenses committed by substance addicted defendants adjudicated in the commonwealth; (d)
23 development of a definition of nonviolent substance addicted offender; (e) consideration of
24 removing judiciary discretion relative to sentencing nonviolent substance addicted offenders with
25 no prior felony convictions to a period of incarceration versus sending such offenders to a
26 treatment program; (f) consideration of eliminating or adjusting mandatory minimum sentencing
27 for nonviolent substance addicted offenders; and (g) an estimate of the total annual number of
28 nonviolent substance addicted offenders who would require addiction treatment upon adoption of
29 new or amended laws as proposed by the court addiction commission, to be shared with the
30 addiction services commission established in SECTION 4.

31 The court addiction commission shall submit its report and findings, along with any draft
32 of legislation, to the house and senate committees on ways and means, the joint committee on the
33 judiciary, and the clerks of the house of representatives and the senate on or before December 31,
34 2014.

35 SECTION 3. Chapter 38 of the Acts of 2013 shall be amended by inserting the
36 following:--

37 0330-XXXX For the administration and research expenditures of the court addiction
38 commission \$100,000

39 SECTION 4. There is hereby established a special commission for the purposes of
40 developing plans to expand effective, evidence based addiction treatment programs for
41 nonviolent substance addicted offenders, whether government managed, privately managed, or
42 managed by public/private partnerships. The addiction services commission shall consist of the
43 commissioner of the department of public health or designee, who shall serve as the chair; the
44 director of the bureau of substance abuse services or designee; the commissioner of the
45 department of mental health or designee; the secretary of the department of veterans' services or
46 designee; the chief justice of the trial court or designee; the court administrator or designee; the
47 secretary of public safety and security or designee; the commissioner of the department of
48 correction or designee; the commissioner of the department of probation or designee; one
49 member of the senate, appointed by the senate president; one member of the senate, appointed by
50 the senate minority leader; one member of the house of representatives, appointed by the speaker
51 of the house; one member of the house of representatives, appointed by the house minority
52 leader; one substance addiction treatment expert, appointed by the governor; and one mental
53 health treatment expert, appointed by the governor.

54 SECTION 5. Such investigation and study shall include, but not be limited to: (a) an
55 examination of best practices relative to specialty courts that deal with substance addicted
56 offenders, both within the commonwealth and in other states; (b) an assessment of the quantity,
57 quality and availability of effective, evidence based addiction treatment programs in the

58 commonwealth; (c) the optimum number and estimated expansion costs associated with the drug
59 courts necessary to meet the needs of the total annual number of nonviolent substance addicted
60 offenders as estimated by the court addiction commission; (d) an assessment of the cost of
61 expanding addiction treatment resources to meet the needs of the total annual number of
62 nonviolent substance addicted offenders; and (e) the probable savings of diverting nonviolent
63 substance addicted offenders to treatment versus incarceration in terms of reduced government
64 expenditures and estimated reduction in inmate population at the commonwealth's correctional
65 facilities, to be shared with the correctional facilities commission established in SECTION 7.

66 The Commission shall submit its report and findings, along with any draft of legislation,
67 to the house and senate committees on ways and means, the joint committee on public health, the
68 joint committee on veterans and federal affairs, the joint committee on mental health and
69 substance abuse, and the clerks of the house of representatives and the senate on or before
70 December 31, 2014.

71 SECTION 6. Chapter 38 of the Acts of 2013 shall be amended by inserting the
72 following:--

73 4510-XXXX For the administration and research expenditures of the addiction services
74 commission \$100,000

75 SECTION 7. There is hereby established a special commission for the purposes of
76 determining the effects of a reduced prison and jail population on the operations and capital
77 needs of the corrections system. The correctional facilities commission shall consist of the
78 commissioner of the department of correction or designee, who shall serve as chair; the secretary
79 of public safety and security or designee; the president of the Massachusetts Sheriff's
80 Association or designee; the secretary of administration and finance or designee; the
81 commissioner of the department of capital asset management and maintenance or designee; one
82 member of the senate, appointed by the senate president; one member of the senate, appointed by
83 the senate minority leader; one member of the house of representatives, appointed by the speaker
84 of the house; one member of the house of representatives, appointed by the house minority
85 leader; and two leaders of unions that represent correctional facility workers, appointed by the
86 governor.

87 SECTION 8. Such investigation and study shall include but not be limited to: (a) an
88 evaluation of current jail and prison populations; (b) an examination of current correctional
89 facilities and any plans to build facilities; (c) the capital needs of the corrections system; (d) the
90 probable impact that expanded treatment programs and diversion programs for nonviolent
91 substance addicted offenders would have on the current jail and prison populations, based on the
92 estimate of reduced number of inmates provided by the addiction services commission; and (e)
93 coordination with the addiction services commission relative to correctional system employees
94 filling roles within an expanded specialty court network.

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96 The Commission shall submit its report and findings, along with any draft of legislation,
97 to the house and senate committees on ways and means, the joint committee on public safety and
98 homeland security, the house committee on bonding, capital expenditures and state assets, and
99 the clerks of the house of representatives and the senate on or before December 31, 2014.

100 SECTION 9. Chapter 38 of the Acts of 2013 shall be amended by inserting the
101 following:--

102 8900-XXXX For the administration and research expenditures of the correctional
103 facilities commission \$50,000