SENATE . . . . . No. 2185

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, October 19, 2017

The committee on Ways and Means, to whom was referred the Senate Bill relative to criminal justice reform (Senate, No. 2170),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2185).
[Estimated FY18 cost in excess of $1,000,000]

For the committee,
Karen E. Spilka

SENATE . . . . . No. 2185

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An Act relative to criminal justice reform.

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 7 of chapter 4 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following clauses:-

Sixtieth, "The age of criminal majority" shall mean the age of 19.

Sixty-first, "Offense-based tracking number" shall mean a unique number assigned by a criminal justice agency, as defined in section 167 of chapter 6, for an arrest or charge; provided, however, that any such designation shall conform to the policies of the department of state police and the department of criminal justice information services.

SECTION 2. The definition of "Criminal offender record information" in section 167 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such information shall be restricted to information recorded in criminal proceedings that are not dismissed before arraignment.

13 SECTION 3. Said section 167 of said chapter 6, as so appearing, is hereby further
14 amended by striking out, in lines 38 and 40, the figure “18” and inserting in place thereof, in
15 each instance, the following words:- criminal majority.
16 SECTION 4. Said section 167 of said chapter 6, as so appearing, is hereby further
17 amended by striking out, in lines 41 and 42, the words “18 is adjudicated as an adult” and
18 inserting in place thereof the following words:- criminal majority was tried as an adult in
19 superior court or tried as an adult after transfer of a case from a juvenile session to another trial
20 court department.
21 SECTION 5. Section 36 of chapter 22C of the General Laws, as so appearing, is hereby
22 amended by striking out, in lines 21 and 22, the words “provided that such records shall remain
23 subject to the regulations of said board”.
24 SECTION 6. Said section 36 of said chapter 22C, as so appearing, is hereby further
25 amended by adding the following 3 paragraphs:-
26 The department shall transmit criminal case disposition information, including any order
27 of dismissal and any order to seal or expunge a record, to the Federal Bureau of Investigation to
28 provide criminal history record information through the Bureau’s Interstate Identification Index.
29 The department shall transmit juvenile case disposition information, including any order
30 of dismissal and any order to seal or expunge a record, to the Federal Bureau of Investigation to
31 provide criminal history record information through the Bureau’s Interstate Identification Index;
32 provided, however, that the department shall include with every transmission of juvenile case
33 disposition information an order to seal such information within the Bureau’s Interstate
34 Identification Index.

35 The executive office of public safety and security shall implement a fingerprint-
36 supported criminal history system that utilizes a fingerprint-based state identification number as
37 the unique identifier of a person from the point of arrest or charging through each contact the
38 person has with the criminal justice system or juvenile justice system and that provides criminal
39 case disposition and other relevant information to ensure a complete and accurate criminal
40 history. The executive office of public safety and security may promulgate regulations to
41 implement this paragraph.
42 SECTION 7. Section 20 of chapter 31 of the General Laws, as so appearing, is hereby
43 amended by striking out, in lines 10 and 11, the words "18 years" and inserting in place thereof
44 the following words:- criminal majority.
45 SECTION 8. Section 24 of chapter 37 of the General Laws, as so appearing, is hereby
46 amended by striking out, in line 14, the words "18 years" and inserting in place thereof the
47 following words:- criminal majority.
48 SECTION 9. Section 21D of chapter 40 of the General Laws, as so appearing, is hereby
49 amended by striking out the first and second paragraphs and inserting in place thereof the
50 following 3 paragraphs:-
51 A city or town may, by ordinance or by-law that is not inconsistent with this section,
52 provide for the non-criminal disposition of: (i) a misdemeanor eligible for decriminalization
53 under section 70C of chapter 277; (ii) a matter that has been deemed a civil infraction by a
54 general or special law; and (iii) a violation of an ordinance, by-law, rule or regulation of a
55 municipal officer, board or department that is subject to a specific penalty.
56 If a city or town has approved such an ordinance or by-law, a police officer who has
57 probable cause to believe that a person has committed a misdemeanor, civil infraction or

58 violation for which the city or town has allowed non-criminal disposition may ask the person to
59 provide the person's name or address, where applicable. If, having been advised by the officer
60 that failure to provide the person's name or address may result in the person's arrest, and the
61 person refuses to provide the person's name or address, provides a false name or address or
62 provides a name or address that is not the person's name or address in ordinary use, the person
63 may be arrested without a warrant.

64 Such an ordinance or by-law shall provide that a police officer who has probable cause to
65 believe that a person has committed a misdemeanor, civil infraction or violation may, as an
66 alternative to initiating criminal proceedings, provide to the person alleged to have committed
67 the misdemeanor, civil infraction or violation a written notice to appear before the clerk of the
68 district court with jurisdiction over the misdemeanor, civil infraction or violation during office
69 hours, not later than 21 days after the date of the notice. The notice shall be produced in triplicate
70 and shall contain the name and address, if known, of the person alleged to have committed the
71 offense, the specific offense charged and the time and place of any required appearance. The
72 notice shall be signed by the issuing police officer. If the person alleged to have committed the
73 offense fails, without good cause, to appear in response to the written notice and the court has
74 satisfactory proof of service of the notice, an arrest warrant may be issued and shall be served by
75 any officer authorized to serve criminal process.

76 SECTION 10. Section 98 of chapter 41 of the General Laws, as so appearing, is hereby
77 amended by striking out the second paragraph.

78 SECTION 11. Section 98F of said chapter 41, as so appearing, is hereby amended by
79 striking out, in line 18, the words "or (iii)" and inserting in place thereof the following words:- ,
80 (iii).

81 SECTION 12. Said section 98F of said chapter 41, as so appearing, is hereby further
82 amended by inserting after the figure "209A", in line 21, the following words:- , or (iv) any entry
83 concerning the arrest of a person who has not yet reached the age of criminal majority.
84 SECTION 13. Subsection (b) of section 37P of chapter 71 of the General Laws, as so
85 appearing, is hereby amended by striking out the second paragraph and inserting in place thereof
86 the following paragraph:-
87 In selecting a school resource officer, the chief of police shall consider candidates that the
88 chief believes would strive to foster an optimal learning environment and educational
89 community; provided, however, that the chief of police shall give preference, to the extent
90 practicable, to candidates who have received specialized training in one or more of the following
91 areas: (i) child and adolescent development; (ii) de-escalation and conflict resolution techniques
92 with children and adolescents; (iii) behavioral health disorders in children and adolescents; (iv)
93 alternatives to arrest and other juvenile justice diversion strategies; (v) and behavioral threat
94 assessment methods. The appointment of a school resource officer shall not be based solely on
95 seniority.
96 The performance of a school resource officer shall be reviewed annually by the
97 superintendent and the chief of police. The superintendent and the chief of police shall enter into
98 a written memorandum of understanding to clearly define the role and duties of the school
99 resource officers. The memorandum shall be placed on file in the office of the school
100 superintendent and police chief. The memorandum shall: (i) state that school resource officers
101 may use arrest, citation and court referral only when necessary to address and prevent real and
102 immediate threats to the physical safety of the members of the school and the wider community;
103 (ii) state that school resource officers shall not use arrest, citation, and court referral in response

104 to non-violent school infractions such as tardiness, loitering, use of profanity, dress code
105 violations and disruptive or disrespectful behaviors; (iii) set forth protocols for utilizing the
106 expertise of mental health professionals in addressing the needs of students with behavioral and
107 emotional difficulties, in crisis situations and otherwise; (iv) require that a school resource
108 officer devote a significant portion of time that the officer devotes to professional development
109 activities and to school-based or other training that promotes heightened awareness of the
110 challenges faced by students in the school to which the officer is assigned, with an emphasis on
111 professional development activities that impart information regarding child development,
112 including the incidence and impact of adverse childhood experiences, de-escalation techniques
113 and implicit or unconscious bias; (v) specify how the school and police departments will
114 regularly monitor and assure that a school resource officer is complying with the terms of the
115 memorandum and avoiding inappropriate arrest, citation or court referral; and (vi) specify the
116 manner and division of responsibility for collecting and reporting the school-based arrests,
117 citations and court referrals of students to the department of elementary and secondary education
118 in accordance with regulations promulgated by the department, which shall collect and publish
119 disaggregated data in a like manner as school discipline data made available for public review.
120 SECTION 14. Section 22 of chapter 90 of the General Laws, as so appearing, is hereby
121 amended by striking out subsection (i).
122 SECTION 15. Section 23 of said chapter 90, as so appearing, is hereby amended by
123 inserting after the figure "$500", in line 53, the following words:- ; provided, however, that a
124 finding of delinquency shall not be entered against such a person in a proceeding for a complaint
125 issued for violation of this section.

126 SECTION 16. Section 24 of said chapter 90, as so appearing, is hereby amended by
127 striking out, in lines 22 and 23 and in lines 816 and 817, the words “not be subject to reduction
128 or waiver by the court for any reason” and inserting in place thereof, in each instance, the
129 following words:- be waived or reduced if it will impose a substantial financial hardship on the
130 person or the person’s family or dependents.
131 SECTION 17. Said section 24 of said chapter 90, as so appearing, is hereby further
132 amended by striking out, in line 32, the words “not be subject to waiver by the court for any
133 reason” and inserting in place thereof the following words:- be waived or reduced if it will
134 impose a substantial financial hardship on the person or the person’s family or dependents.
135 SECTION 18. Section 24D of said chapter 90, as so appearing, is hereby amended by
136 striking out, in lines 138 and 139, the words “cause a grave and serious hardship to such
137 individual or to the family of such individual” and inserting in place thereof the following
138 words:- impose a substantial financial hardship on the person or the person’s family or
139 dependents.
140 SECTION 19. Said section 24D of said chapter 90, as so appearing, is hereby further
141 amended by striking out, in lines 173 and 174, the words “cause a grave and serious hardship to
142 such individual or to the family thereof” and inserting in place thereof the following words:-
143 impose a substantial financial hardship on the person or the person’s family or dependents.
144 SECTION 20. Section 34J of said chapter 90, as so appearing, is hereby amended by
145 inserting after the figure “$500”, in line 59, the following words:- ; provided, however, that a
146 finding of delinquency shall not be entered against such a person in a proceeding for a complaint
147 issued for violation of this section.

148 SECTION 21. Section 8 of chapter 90B of the General Laws, as so appearing, is hereby
149 amended by striking out, in lines 513 and 514, the words “not be subject to reduction or waiver
150 by the court for any reason” and inserting in place thereof the following words:- be waived or
151 reduced if it will impose a substantial financial hardship on the person or the person’s family or
152 dependents.
153 SECTION 22. Paragraph (6) of subsection (A) of section 3 of chapter 90C of the General
154 Laws, as so appearing, is hereby amended by adding the following subparagraph:-
155 (d) A violator may request a payment plan for the payment of the violator’s assessment to
156 the registrar or the registrar’s authorized agent. If the violator requests a payment plan, the
157 registrar shall determine a monthly payment plan that takes the violator’s ability to pay into
158 consideration; provided, however, that a monthly payment shall not be less than $25. The
159 payment plan shall be sufficient to discharge the violator of all reinstatement fees and underlying
160 fines assessed to the violator. The term of a payment plan under this section shall be not more
161 than 12 months. During the period of the payment plan, the registrar shall defer any suspension
162 otherwise required by this section as a result of the civil motor vehicle infraction.
163 If a violator signs a payment plan approved by the registrar and fails to make payments
164 on the plan, the registrar may suspend the violator’s license, learner’s permit or right to operate
165 without further notice or hearing. The registrar shall promulgate regulations to govern the
166 determination and use of payment plans.
167 SECTION 23. Class A of section 31 of chapter 94C of the General Laws, as so
168 appearing, is hereby amended by adding the following paragraph:-
169 (d) Unless specifically excepted or unless listed in another schedule, any material,
170 compound, mixture or preparation that contains any quantity of the following substances

171 including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and
172 salts of isomers is possible within the specific chemical designations:
173 (1) Acetyl Fentanyl
174 (2) Carfentanil
175 (3) Fentanyl
176 (4) Cyclopropyl fentanyl
177 (5) Furanyl fentanyl
178 (6) 3-methylfentanyl
179 (7) 3,4-Dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide also known as u-
180 47700
181 (8) Any synthetic opioid controlled in Schedule I of Title 21 of the Code of Federal
182 Regulations Part 1308.11 or Schedule II of Title 21 of the Code of Federal Regulations Part
183 1308.12, unless specifically excepted or unless listed in another class in this section.
184 SECTION 24. Paragraph (a) of Class B of said section 31 of said chapter 94C, as so
185 appearing, is hereby amended by striking out clause (4) and inserting in place thereof the
186 following clause:-
187 (4) Coca leaves, and their salts, optical and geometric isomers and salts of isomers,
188 excluding coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives
189 of ecgonine or their salts have been removed; or cocaine, ecgonine, pseudococaine, allococaine
190 and pseudoallococaine, their derivatives, their salts, isomers and salts of their isomers; or any
191 compound, mixture or preparation which contains any quantity of any substances referred to in
192 this paragraph.

193 SECTION 25. Paragraph (b) of said Class B of said section 31 of said chapter 94C, as so
194 appearing, is hereby amended by striking out clauses (1) to (21), inclusive, and inserting in place
195 thereof the following 20 clauses:-
196 (1) Alphaprodine
197 (2) Anileridine
198 (3) Bezitramide
199 (4) Dihydrocodeine
200 (5) Diphenoxylate
201 (6) Isomethadone
202 (7) Levomethorphan
203 (8) Levorphanol
204 (9) Metazocine
205 (10) Methadone
206 (11) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
207 (12) Moramide-Intermediate, 2-methyl-3 morpholine-1, 1-diphenyl-propane carboxylic
208 acid
209 (13) Pethidine
210 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
211 (15) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
212 (16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
213 (17) Phenazocine
214 (18) Piminodine
215 (19) Racemethorphan

216 (20) Racemorphan

217 SECTION 26. Said chapter 94C is hereby further amended by striking out sections 32 to
218 32C, inclusive, as so appearing, and inserting in place thereof the following 4 sections:-

219 Section 32. A person who knowingly or intentionally manufactures, distributes, dispenses
220 or possesses with intent to manufacture, distribute or dispense a controlled substance in Class A
221 of section 31 shall be punished by imprisonment in the state prison for not more than 10 years or
222 in a jail or house of correction for not more than 2½ years, by a fine of not less than $1,000 nor
223 more than $10,000 or by both such fine and imprisonment.

224 Section 32A. A person who knowingly or intentionally manufactures, distributes,
225 dispenses or possesses with intent to manufacture, distribute or dispense a controlled substance
226 in Class B of section 31 shall be punished by imprisonment in the state prison for not more than
227 10 years or in a jail or house of correction for not more than 2½ years, by a fine of not less than
228 $1,000 nor more than $10,000 or by both such fine and imprisonment.

229 Section 32B. A person who knowingly or intentionally manufactures, distributes,
230 dispenses or possesses with intent to manufacture, distribute or dispense a controlled substance
231 in Class C of section 31 shall be imprisoned in state prison for not more than 5 years or in a jail
232 or house of correction for not more than 2½ years, by a fine of not less than $500 nor more than
233 $5,000 or by both such fine and imprisonment.

234 Section 32C. A person who knowingly or intentionally manufactures, distributes,
235 dispenses or cultivates, or possesses with intent to manufacture, distribute, dispense or cultivate a
236 controlled substance in Class D of section 31 shall be imprisoned in a jail or house of correction
237 for not more than 2 years or by a fine of not less than $500 nor more than $5,000, or by both
238 such fine and imprisonment.

239 SECTION 27. Section 32E of said chapter 94C, as so appearing, is hereby amended by
240 striking out, in lines 46 and 47, the figure “18” and inserting in place thereof, in each instance,
241 the following figure:- 100.
242 SECTION 28. Subsection (b) of said section 32E of said chapter 94C, as so appearing, is
243 hereby amended by striking out clauses (1) to (4), inclusive, and inserting in place thereof the
244 following 2 clauses:-
245 (1) Not less than 100 grams but less than 200 grams, be punished by a term of
246 imprisonment in the state prison for not less than 8 nor more than 20 years and by a fine of not
247 less than $10,000 nor more than $100,000; provided, however, that a sentence imposed under
248 this clause shall not be for less than a mandatory minimum term of imprisonment of 8 years;
249 provided further, that a fine shall not be imposed in lieu of the mandatory minimum term of
250 imprisonment established in this clause.
251 (2) Not less than 200 grams, be punished by a term of imprisonment in the state prison
252 for not less than 12 nor more than 20 years and by a fine of not less than $50,000 nor more than
253 $500,000; provided, however, that a sentence imposed under this clause shall not be for less than
254 a mandatory minimum term of imprisonment of 12; provided further, that a fine shall not be
255 imposed in lieu of the mandatory minimum term of imprisonment established in this clause.
256 SECTION 29. Said section 32E of said chapter 94C, as so appearing, is hereby further
257 amended by inserting after the word “thereof”, in line 80, the following words:- , a controlled
258 substance defined in paragraph (d) of Class A of section 31.
259 SECTION 30. Said section 32E of said chapter 94C, as so appearing, is hereby further
260 amended by inserting after the word “thereof”, in line 85, the first time it appears, the following
261 words:- , a controlled substance defined in paragraph (d) of Class A of section 31.

262 SECTION 31. Said section 32E of said chapter 94C, as so appearing, is hereby further
263 amended by inserting after the word “thereof”, in line 87, the following words:- , a controlled
264 substance defined in paragraph (d) of Class A of section 31.
265 SECTION 32. Said section 32E of said chapter 94C, as so appearing, is hereby further
266 amended by inserting after the word “thereof”, in line 89, the first time it appears, the following
267 words:- , a controlled substance defined in paragraph (d) of Class A of section 31.
268 SECTION 33. Said section 32E of said chapter 94C, as so appearing, is hereby further
269 amended by striking out subsection (c½).
270 SECTION 34. Section 32H of said chapter 94C, as so appearing, is hereby amended by
271 striking out, in lines 1 to 3, inclusive, the words “paragraph (b) of section thirty-two, paragraphs
272 (b), (c) and (d) of section thirty-two A, paragraph (b) of section thirty-two B, sections” and
273 inserting in place thereof the following word:- sections.
274 SECTION 35. Said section 32H of said chapter 94C, as so appearing, is hereby further
275 amended by striking out, in lines 3 and 4, the words “thirty-two E thirty-two F and thirty-two J”
276 and inserting in place thereof the following words:- 32E and 32F.
277 SECTION 36. Said section 32H of said chapter 94C, as so appearing, is hereby further
278 amended by striking out, in lines 16 to 18, inclusive, the words “subsection (c) of Section 32,
279 subsection (e) of section 32A, subsection (c) of section 32B, subsection (d) of section 32E, or
280 section 32J” and inserting in place thereof the following words:- subsection (d) of section 32E.
281 SECTION 37. Said section 32H of said chapter 94C, as so appearing, is hereby further
282 amended by striking out, in line 33, the words “18 years of age or older” and inserting in place
283 thereof the following words:- having attained the age of criminal majority.

284 SECTION 38. Said section 32H of said chapter 94C, as so appearing, is hereby further
285 amended by striking out, in line 34, the figure “18” and inserting in place thereof the following
286 words:- the age of criminal majority.
287 SECTION 39. Section 32I of said chapter 94C, as so appearing, is hereby amended by
288 striking out, in line 10, the words “less than one nor”.
289 SECTION 40. Said section 32I of said chapter 94C, as so appearing, is hereby further
290 amended by striking out, in line 11, the words “less than five hundred nor”.
291 SECTION 41. Said section 32I of said chapter 94C, as so appearing, is hereby further
292 amended by striking out, in line 24, the words “less than fifty nor”.
293 SECTION 42. Section 32J of said chapter 94C is hereby repealed.
294 SECTION 43. Section 32M of said chapter 94C, as amended by section 19 of chapter 55
295 of the acts of 2017, is hereby further amended by striking out, in line 1, the word “eighteen” and
296 inserting in place thereof the following words:- criminal majority.
297 SECTION 44. Said section 32M of said chapter 94C, as so amended, is hereby further
298 amended by striking out, in line 6, the figure “18” and inserting in place thereof the following
299 words:- criminal majority.
300 SECTION 45. Section 34 of said chapter 94C, as appearing in the 2016 Official Edition,
301 is hereby amended by striking out, in lines 14 and 15, the words “less than two and one-half
302 years nor”.
303 SECTION 46. Said section 34 of said chapter 94C, as so appearing, is hereby further
304 amended by striking out, in lines 42 to 44, inclusive, the words “departmental records which are
305 not public records, maintained by police and other law enforcement agencies, shall not be sealed;
306 and provided further, that”.

307 SECTION 47. Section 34A of said chapter 94C, as so appearing, is hereby amended by
308 striking out, in lines 4 and 11, the words “sections 34 or 35” and inserting in place thereof, in
309 each instance, the following words:- section 34 or found in violation of a condition of probation
310 or pretrial release as determined by the courts or a condition of parole as determined by the
311 parole board.
312 SECTION 48. Said section 34A of said chapter 94C, as so appearing, is hereby further
313 amended by striking out, in lines 5 and 12, the word “substance” and inserting in place thereof,
314 in each instance, the following words:- substance or violation.
315 SECTION 49. Section 35 of said chapter 94C is hereby repealed.
316 SECTION 50. Section 36 of said chapter 94C, as appearing in the 2016 Official Edition,
317 is hereby amended by striking out, in lines 6 and 7, the words “his eighteenth birthday” and
318 inserting in place thereof the following words:- the age of criminal majority.
319 SECTION 51. Section 44 of said chapter 94C, as so appearing, is hereby amended by
320 striking out, in lines 5 to 8, inclusive, the words “; provided, however, that departmental records
321 maintained by police and other law enforcement agencies which are not public records shall not
322 be sealed”.
323 SECTION 52. Section 45 of said chapter 94C is hereby repealed.
324 SECTION 53. Section 1 of chapter 111E of the General Laws, as appearing in the 2016
325 Official Edition, is hereby amended by striking out the definition of “Administrator” and
326 inserting in place thereof the following 2 definitions:-
327 “Addiction specialist”, a licensed physician who specializes in the practice of psychiatry
328 or addiction medicine, a licensed psychologist, a licensed independent social worker, a licensed
329 mental health counselor, a licensed psychiatric clinical nurse specialist, a licensed alcohol and

330 drug counselor I as defined in section 1 of chapter 111J or any other professional considered
331 qualified by the department to evaluate whether an individual is a drug dependent person.
332 "Administrator", the person in charge of the operation of a facility or a penal facility, or
333 the person's designee.
334 SECTION 54. Said section 1 of said chapter 111E, as so appearing, is hereby further
335 amended by striking out the definitions of "Independent psychiatrist" and "Independent
336 physician" and inserting in place thereof the following definition:-
337 "Independent addiction specialist", an addiction specialist, other than one holding an
338 office or appointment in a department, board or agency of the commonwealth or in a public
339 facility or penal facility.
340 SECTION 55. Section 10 of said chapter 111E, as so appearing, is hereby amended by
341 striking out, in lines 18 and 19, the words "a psychiatrist, or if it is, in the discretion of the court,
342 impracticable to do so, a physician," and inserting in place thereof the following words:- an
343 addiction specialist.
344 SECTION 56. Said section 10 of said chapter 111E, as so appearing, is hereby further
345 amended by striking out, in lines 23, 25, 31, 35, 93 and 104 the words "psychiatrist or physician"
346 and inserting in place thereof, in each instance, the following words:- addiction specialist.
347 SECTION 57. Said section 10 of said chapter 111E, as so appearing, is hereby further
348 amended by striking out, in lines 60 and 61 and in line 71 the words "for the first time".
349 SECTION 58. Said section 10 of said chapter 111E, as so appearing, is hereby further
350 amended by striking out, in lines 61 and 62 and in lines 72 and 73, the words "not involving the
351 sale or manufacture of dependency related drugs,".

352 SECTION 59. Said section 10 of said chapter 111E, as so appearing, is hereby further
353 amended by striking out, in lines 98 and 99, the words “independent psychiatrist, or if it is
354 impracticable to do so, an independent physician” and inserting in place thereof the following
355 words:- independent addiction specialist.
356 SECTION 60. Said section 10 of said chapter 111E, as so appearing, is hereby further
357 amended by striking out, in lines 124 and 125, the words “independent psychiatrist, or, if none is
358 available, an independent physician” and inserting in place thereof the following words:-
359 independent addiction specialist.
360 SECTION 61. Said section 10 of said chapter 111E, as so appearing, is hereby further
361 amended by striking out, in line 184, the words “thirty-two to thirty-two G” and inserting in
362 place thereof the following words:- 32E to 32G.
363 SECTION 62. Section 11 of said chapter 111E, as so appearing, is hereby amended by
364 striking out, in lines 4 and 5, the words “a psychiatrist, or, if, in the discretion of the court, it is
365 impracticable to do so, by a physician,” and inserting in place thereof the following words:- an
366 addiction specialist.
367 SECTION 63. Said section 11 of said chapter 111E, as so appearing, is hereby further
368 amended by striking out, in line 11, lines 16 and 17 and line 18, the words “physician or
369 psychiatrist” and inserting in place thereof, in each instance, the following words:- addiction
370 specialist.
371 SECTION 64. Section 13A of said chapter 111E, as so appearing, is hereby amended by
372 striking out, in lines 9 and 12 the word “physician” and inserting in place thereof, in each
373 instance, the following words:- addiction specialist.

374 SECTION 65. Section 52 of chapter 119 of the General Laws, as so appearing, is hereby
375 amended by striking out the definitions of “Court” and “Delinquent Child” and inserting in place
376 thereof the following 3 definitions:-
377 “Civil infraction”, a violation for which a civil proceeding is allowed, for which the court
378 shall not appoint counsel nor impose a sentence of incarceration and for which a civil penalty
379 may be imposed.
380 “Court”, a division of the juvenile court department.
381 “Delinquent child”, a child between the age of 12 and the age of criminal majority who
382 commits any offense against a law of the commonwealth; provided, however, that such an
383 offense shall not include a civil infraction.
384 SECTION 66. Said section 52 of said chapter 119, as so appearing, is hereby further
385 amended by striking out, in line 15, the figure “18” and inserting in place thereof the following
386 words:- the age of criminal majority.
387 SECTION 67. Section 54 of said chapter 119, as so appearing, is hereby amended by
388 striking out, in line 2, the words “seven and 18 years of age” and inserting in place thereof the
389 following words:- 12 and the age of criminal majority.
390 SECTION 68. Said section 54 of said chapter 119, as so appearing, is hereby further
391 amended by striking the second paragraph and inserting in place thereof the following
392 paragraph:-
393 An application for such a complaint submitted to the juvenile court by a police
394 department against a child arrested for an offense shall be accompanied by an offense-based
395 tracking number. An application’s failure to include the arrestee’s offense-based tracking number
396 shall not preclude the issuance of a complaint where there is otherwise a valid application

397 submitted by a police department against a child. If a complaint is issued based on an application
398 for a complaint submitted by a police department against a child that did not include the child's
399 offense-based tracking number, the prosecutor shall submit the offense-based tracking number of
400 the child to the court to be included in the case file.

401 SECTION 69. Said section 54 of said chapter 119, as so appearing, is hereby further
402 amended by striking out, in line 21, the words "ages of fourteen and 18" and inserting in place
403 thereof the following words:- age of 14 and the age of criminal majority.

404 SECTION 70. Said chapter 119 is hereby further amended by inserting after section 54
405 the following section:-

406 Section 54A. (a) A juvenile court shall have jurisdiction to divert to a program, as defined
407 in section 1 of chapter 276A, a child who is subject to the jurisdiction of the juvenile court as the
408 result of an application for complaint brought under section 54.

409 (b) A child complained of as a delinquent child may, upon the request of the child,
410 undergo an assessment prior to arraignment to enable the judge to consider the suitability of the
411 child for diversion. If a child chooses to request a continuance for the purpose of such an
412 assessment, the child shall notify the judge prior to arraignment. Upon receipt of such
413 notification, the judge may grant a 14-day continuance. Said assessment may be conducted by
414 the personnel of a program. If a case is continued under this subsection, the child shall not be
415 arraigned and an entry shall not be made into the criminal offender record information system
416 until a judge issues an order to resume the ordinary processing of a delinquency proceeding.

417 (c)(1) After the completion of the assessment, the director of a program to which the
418 child has been referred shall submit to the court and to the counsel of the child a
419 recommendation as to whether the child would benefit from diversion to the program.

420 The judge, upon receipt of the recommendation, shall provide an opportunity for both the
421 prosecution and counsel for the child to be heard regarding the diversion of the child. The judge
422 shall then make a final determination as to the eligibility of the child for diversion. The
423 proceedings of a child who is found eligible for diversion under subsection (a) shall be stayed for
424 a period of 90 days, unless the judge determines that the interest of justice would best be served
425 by a lesser period of time or unless extended under subsection (f).
426 (2) A stay of proceedings shall not be granted under this section unless the child consents
427 in writing to the terms and conditions of the stay of proceedings and knowingly executes a
428 waiver of the child's right to a speedy trial on a form approved by the chief justice of the juvenile
429 court department. Consent shall be given only upon the advice of counsel.
430 (3) The following shall not be admissible against the child in any proceedings: (i) a
431 request for assessment; (ii) a decision by the child not to enter a program; (iii) a determination by
432 a program that the child would not benefit from diversion; and (iv) any statement made by the
433 child during the course of assessment. Any consent by the child to the stay of proceedings or any
434 act done or statement made in fulfillment of the terms and conditions of the stay of proceedings
435 shall not be admissible as an admission, implied or otherwise, against the child should the stay of
436 proceedings be terminated and proceedings resumed on the original complaint. A statement or
437 other disclosure or records thereof made by a child during the course of assessment or during the
438 stay of proceedings shall not be disclosed at any time to a prosecutor or other law enforcement
439 officer in connection with the investigation, or prosecution of any charge or charges against the
440 child or any co-defendant.
441 (4) If a child is found eligible for diversion under this section, the child shall not be
442 arraigned and an entry shall not be made into the criminal offender record information system

443 until a judge issues an order to resume the ordinary processing of a delinquency proceeding. If a
444 child is found eligible under this section, this eligibility shall not be considered an issuance of a
445 criminal complaint for the purposes of section 37H½ of chapter 71.

446 (d) A district attorney may divert any child to a program, either before or after the
447 assessment procedure set forth in subsection (b), with or without the permission of the court and
448 without regard to the limitations in subsection (g). A district attorney who diverts a case pursuant
449 to this subsection may request a report from a program regarding the child's status in and
450 completion of the program.

451 (e) If, during the stay of proceedings, the child is charged with a subsequent offense, a
452 judge in the court that entered the stay of proceedings may issue such process as is necessary to
453 bring the child before the court. When the child is brought before the court, the judge shall afford
454 the child an opportunity to be heard. If the judge finds probable cause to believe that the child
455 has committed a subsequent offense, the judge may order, when appropriate, that the stay of
456 proceedings be terminated and that the commonwealth be permitted to proceed on the original
457 complaint as provided by law.

458 (f)(1) Upon the expiration of the initial 90-day stay of proceedings, the program director
459 shall submit to the court a report indicating the successful completion of the program by the child
460 or recommending an extension of the stay of proceedings for not more than an additional 90 days
461 so that the child may complete the diversion program successfully.

462 (2) If the program director indicates the successful completion of diversion by a child, the
463 judge may dismiss the original complaint pending against the child. If the report recommends an
464 extension of the stay of proceedings, the judge may, on the basis of the report and any other
465 relevant evidence, take such action as the judge deems appropriate, including the dismissal of the

466 complaint, the granting of an extension of the stay of proceedings or the resumption of
467 proceedings.
468 (3) If the conditions of diversion have not been met, the child's attorney shall be notified
469 prior to the termination of the child from diversion and the judge may grant an extension to the
470 stay of proceedings if the child provides good cause for failing to comply with the conditions of
471 diversion.
472 (4) If the judge dismisses a complaint under this subsection, the court shall, unless the
473 child objects, enter an order directing expungement of any records of the complaint and related
474 proceedings maintained by the clerk, the court, the department of criminal justice information
475 services and the court activity record index.
476 (g) A child otherwise eligible for diversion under this section shall not be eligible if
477 indicted as a youthful offender or charged with a violation of 1 or more of the offenses
478 enumerated in section 70C of chapter 277 other than an offense under the following: (i)
479 subsection (a) of section 13A of chapter 265; (ii) sections 13J and 13M of chapter 265; (iii)
480 sections 13A and 13C of chapter 268; and (iv) sections 1, 16, 28, 29, 29A and 29B of chapter
481 272.
482 SECTION 71. Section 58 of said chapter 119, as appearing in the 2016 Official Edition,
483 is hereby amended by striking out, in line 73, the words "his eighteenth birthday" and inserting
484 in place thereof the following words:- the age of criminal majority.
485 SECTION 72. Said section 58 of said chapter 119, as so appearing, is hereby further
486 amended by striking out, in line 79, the words "his eighteenth birthday" and inserting in place
487 thereof the following words:- attaining the age of criminal majority.

488 SECTION 73. Section 60A of said chapter 119, as so appearing, is hereby amended by
489 striking out, in line 17, the words “his fourteenth and eighteenth birthdays” and inserting in place
490 thereof the following words:- the age of 14 and the age of criminal majority.
491 SECTION 74. Said section 60A of said chapter 119, as so appearing, is hereby further
492 amended by striking out, in line 20, the words “been age 18 or older” and inserting in place
493 thereof the following words:- attained the age of criminal majority.
494 SECTION 75. Said section 60A of said chapter 119, as so appearing, is hereby further
495 amended by striking out, in line 22, the words “were age 18 or older” and inserting in place
496 thereof the following words:- had attained the age of criminal majority.
497 SECTION 76. Section 62 of said chapter 119 is hereby repealed.
498 SECTION 77. Section 63A of said chapter 119, as appearing in the 2016 Official Edition,
499 is hereby amended by striking out, in line 1, the words “is 19 years of age or older” and inserting
500 in place thereof the following words:- has attained the age of criminal majority.
501 SECTION 78. Said section 63A of said chapter 119, as so appearing, is hereby amended
502 by striking out, line 2, the figure “18” and inserting in place thereof the following words:-
503 criminal majority.
504 SECTION 79. Section 65 of said chapter 119, as so appearing, is hereby amended by
505 striking out, in line 2, the words “18 years of age” and inserting in place thereof the following
506 words:- the age of criminal majority.
507 SECTION 80. Section 66 of said chapter 119, as so appearing, is hereby amended by
508 striking out, in lines 3 and 5, the words “18 years of age” and inserting in place thereof, in each
509 instance, the following words:- the age of criminal majority.

510 SECTION 81. Said chapter 119, as so appearing, is hereby amended by striking out
511 section 67 and inserting in place thereof the following section:-
512 Section 67. (a) Whenever a child between the age of 12 and the age of criminal majority
513 is arrested with or without a warrant, as provided by law, and the court or courts having
514 jurisdiction over the offense are not in session, the officer in charge shall immediately notify at
515 least one of the child's parents, or, if there is no parent, the guardian or custodian with whom the
516 child resides, or the department of children and families if the child is in the custody and care of
517 the department. Pending such notice, such child shall be detained under subsection (c).
518 (b) Upon the acceptance by the officer in charge of said police station or town lockup of
519 the written promise of said parent, guardian, custodian or representative of the department of
520 children and families to be responsible for the presence of the child in court at the time and place
521 when the child is ordered to appear, the child shall be released to said person giving such
522 promise; provided, however, that if the arresting officer requests in writing that a child between
523 the age 14 and the age of criminal majority be detained, and if the court issuing a warrant for the
524 arrest of a child between the age of 14 and the age of criminal majority directs in the warrant that
525 such child shall be held in safekeeping pending his appearance in court, the child shall be
526 detained in a police station or town lockup, or a place of temporary custody commonly referred
527 to as a detention home of the department of youth services, or any other home approved by the
528 department of youth services pending the child's appearance in court; provided further, that in
529 the event any child is so detained, the officer in charge of the police station or town lockup shall
530 notify the parents, guardian, custodian or representative of the department of children and
531 families of the detention of the child. If a child is detained overnight, the child shall receive a bail
532 hearing in accordance with section 59 of chapter 276, if applicable.

533 (c) No child between the age of 14 and the age of criminal majority shall be detained in a
534 police station or town lockup under (a) or (b) unless the detention facilities for children at such
535 police station or town lockup have received the approval in writing of the commissioner of youth
536 services. The department of youth services shall make inspection at least annually of police
537 stations and town lockups wherein children are detained. If no such approved detention facility
538 exists in any city or town, the city or town may contract with an adjacent city or town for the use
539 of approved detention facilities in order to prevent children who are detained from coming in
540 contact with adult prisoners. A separate and distinct place shall be provided in police stations,
541 town lockups or places of detention for such children. Nothing in this section shall permit a child
542 between 14 and the age of criminal majority to be detained in a jail or house of correction.
543 (d) When a child is arrested who is in the care and custody of the department of children
544 and families, the officer in charge of the police station or town lockup where the child has been
545 taken shall immediately contact the department's emergency hotline and notify the on-call
546 worker of the child's arrest. The on-call worker shall notify the social worker assigned to the
547 child's case who shall make arrangement for the child's release as soon as practicable if it has
548 been determined that the child will not be detained.
549 SECTION 82. Section 68 of said chapter 119, as so appearing, is hereby further amended
550 by striking out, in lines 1 and 34, the word "seven" and inserting in place thereof, in each
551 instance, the following figure:- 12.
552 SECTION 83. Said section 68 of said chapter 119, as so appearing, is hereby further
553 amended by striking out, in lines 2 and 52, the figure "18" and inserting in place thereof, in each
554 instance, the following words:- criminal majority.

555 SECTION 84. Said section 68 of said chapter 119, as so appearing, is hereby further
556 amended by striking out, in line 3, the words “if unable to furnish bail” and inserting in place
557 thereof the following words:- if detained pretrial pursuant to paragraph (3) of subsection (e) of
558 section 58 of chapter 276.
559 SECTION 85. Said section 68 of said chapter 119, as so appearing, is hereby further
560 amended by striking out, in line 34, the words “and 18 years of age” and inserting in place
561 thereof the following words:- years of age and the age of criminal majority.
562 SECTION 86. Section 68A of said chapter 119, as so appearing, is hereby amended by
563 striking out, in line 1, the words “seven and 18 years of age” and inserting in place thereof the
564 following words:- 12 years of age and the age of criminal majority.
565 SECTION 87. Section 70 of said chapter 119, as so appearing, is hereby amended by
566 striking out, in line 2, the words “18 years of age” and inserting in place thereof the following
567 words:- the age of criminal majority.
568 SECTION 88. Section 72 of said chapter 119, as so appearing, is hereby amended by
569 striking out, in lines 2 and 3, the words “their eighteenth birthday” and inserting in place thereof
570 the following words:- the age of criminal majority.
571 SECTION 89. Said section 72 of said chapter 119, as so appearing, is hereby further
572 amended by striking out, in lines 10 to 13, inclusive, the words “his eighteenth birthday, and is
573 not apprehended until between such child’s eighteenth and nineteenth birthday, the court shall
574 deal with such child in the same manner as if he has not attained his eighteenth birthday” and
575 inserting in place thereof the following words:- attaining the age of criminal majority and is not
576 apprehended until between the birthday at which the child attained the age of criminal majority

577 and the child's subsequent birthday, the court shall deal with the child in the same manner as if
578 the child had not attained the age of criminal majority.
579 SECTION 90. Said section 72 of said chapter 119, as so appearing, is hereby further
580 amended by striking out, in line 18, the words "their eighteenth birthday" and inserting in place
581 thereof the following words:- the age of criminal majority.
582 SECTION 91. Section 72A of chapter 119, as so appearing, is hereby amended by
583 striking out, in lines 2 and 3, the words "his eighteenth birthday, and is not apprehended until
584 after his nineteenth birthday, the" and inserting in place thereof the following words:- attaining
585 the age of criminal majority, and is not apprehended until after attaining the first birthday
586 following the birthday at which the person attained the age of criminal majority, the.
587 SECTION 92. Section 72B of said chapter 119, as so appearing, is hereby amended by
588 striking out, in lines 2 and 3 and 7 and 8, the words "his eighteenth birthday" and inserting in
589 place thereof, in each instance, the following words:- the person attains the age of criminal
590 majority.
591 SECTION 93. Said section 72B of said chapter 119, as so appearing, is hereby further
592 amended by striking out, in line 25, the words "his eighteenth birthday" and inserting in place
593 thereof the following words:- the age of criminal majority.
594 SECTION 94. Said section 72B of said chapter 119, as so appearing, is hereby further
595 amended by striking out, in line 31, the words "his eighteenth birthday" and inserting in place
596 thereof the following words:- attaining the age of criminal majority.
597 SECTION 95. Section 74 of said chapter 119, as so appearing, is hereby amended by
598 striking out, in lines 3 and 4, the words "his eighteenth birthday" and inserting in place thereof
599 the following words:- the person attaining the age of criminal majority.

600 SECTION 96. Said section 74 of said chapter 119, as so appearing, is hereby further
601 amended by striking out, in line 10, the words “sixteen and 18 years of age” and inserting in
602 place thereof the following words:- 16 years of age and the age of criminal majority.
603 SECTION 97. Said section 74 of said chapter 119, as so appearing, is hereby further
604 amended by striking out, in line 14, the figure “18” and inserting in place thereof the following
605 words:- criminal majority.
606 SECTION 98. Section 84 of said chapter 119, as so appearing, is hereby amended by
607 striking out, in lines 12 and 13, the word “seven and eighteen (or nineteen)” and inserting in
608 place thereof the following figure:- 12 and 19 (or 20).
609 SECTION 99. Said chapter 119 is hereby further amended by adding the following 2
610 sections:-
611 Section 86. (a) For the purposes of this section and section 87, the following words shall
612 have the following meanings unless the context clearly requires otherwise:
613 “Juvenile”, a person appearing before a division of the juvenile court department who is
614 subject to a delinquency, child requiring assistance or care and protection case or a person under
615 the age of 21 in a youthful offender case.
616 “Restraints”, devices that limit voluntary physical movement of an individual, including
617 leg irons and shackles, which have been approved by the trial court department.
618 (b) A juvenile shall not be placed in restraints during court proceedings and any restraints
619 shall be removed prior to the appearance of a juvenile before the court at any stage of a
620 proceeding unless the justice presiding in the courtroom issues an order and makes specific
621 findings on the record that: (i) restraints are necessary because there is reason to believe that a
622 juvenile presents an immediate and credible risk of escape that cannot be curtailed by other

623 means; (ii) a juvenile poses a threat to the juvenile's own safety or to the safety of others; or (iii)
624 restraints are reasonably necessary to maintain order in the courtroom.
625 (c) The court officer charged with custody of a juvenile shall report any security concern
626 to the presiding justice. On the issue of courtroom or courthouse security, the presiding justice
627 may receive information from the court officer charged with custody of a juvenile, a probation
628 officer or any other source determined by the court to be credible.
629 The authority to use restraints shall reside solely within the discretion of the presiding
630 justice at the time that a juvenile appears before the court. A juvenile court justice shall not
631 impose a blanket policy to maintain restraints on all juveniles or a specific category of juveniles
632 who appear before the court.
633 Section 87. A child against whom a complaint is brought under this chapter may
634 participate in a community-based restorative justice program pursuant to the requirements of
635 chapter 276B.
636 SECTION 100. Section 16 of chapter 119A of the General Laws, as appearing in the
637 2016 Official Edition, is hereby amended by inserting after the word "obligor", in line 44, the
638 following words:- ; provided, however, that the IV-D agency has no evidence of the obligor
639 residing at an address other than the address last known by the IV-D agency; provided further,
640 that the IV-D agency shall not notify a licensing authority unless the child support arrearage
641 exceeds an amount equal to 8 weeks obligation or $500, whichever is greater.
642 SECTION 101. Chapter 120 of the General Laws is hereby amended by inserting after
643 section 10 the following section:-

644 Section 10B. A person detained by and committed to the department of youth services
645 shall not be placed in involuntary room confinement as a consequence for noncompliance,
646 punishment or harassment or in retaliation for any conduct.
647 SECTION 102. Section 15 of said chapter 120, as appearing in the 2016 Official Edition,
648 is hereby amended by striking out, in line 3 and line 4, the figure "18" and inserting in place
649 thereof, in each instance, the following words:- the age of criminal majority.
650 SECTION 103. Section 21 of said chapter 120, as so appearing, is hereby amended by
651 striking out, in line 17, the words "seven and 18 years of age" and inserting in place thereof the
652 following words:- 7 years of age and the age of criminal majority.
653 SECTION 104. Section 1 of chapter 127 of the General Laws, as so appearing, is hereby
654 amended by inserting after the definition of "Commissioner" the following 2 definitions:
655 "Disciplinary restrictive housing", a placement in restrictive housing in a state
656 correctional facility for disciplinary purposes after a finding has been made that the prisoner has
657 committed a breach of discipline.
658 "Exigent circumstances", circumstances that create an unacceptable risk to the safety of
659 any person.
660 SECTION 105. Said section 1 of said chapter 127, as so appearing, is hereby further
661 amended by inserting after the definition of "Parole board" the following definition:-
662 "Placement review", a multidisciplinary examination to determine whether,
663 notwithstanding any previous finding of a disciplinary breach or exigent circumstances or other
664 circumstances supporting a placement in restrictive housing, restrictive housing is still necessary
665 to reasonably manage risks of harm.

666 SECTION 106. Said section 1 of said chapter 127, as so appearing, is hereby further
667 amended by inserting after the definition of "Residential treatment unit" the following
668 definition:-
669 "Restrictive Housing", a housing placement where a prisoner is confined to a cell for
670 over 22 hours per day; provided, however, that mental health watch shall not be considered
671 restrictive housing.
672 SECTION 107. Section 4 of said chapter 127 is hereby repealed.
673 SECTION 108. Section 28 of said chapter 127, as appearing in the 2016 Official Edition,
674 is hereby amended by striking out, in line 4, the word "twenty-three" and inserting in place
675 thereof the following words:- 23, a record of the fingerprint-based state identification number.
676 SECTION 109. Said chapter 127 is hereby amended by striking out sections 39 and 39A,
677 as so appearing, and inserting in place thereof the following 8 sections:
678 Section 39. (a) Subject to the limits of this section and section 39A, the superintendent of
679 a state correctional facility or the administrator of a county correctional facility may authorize
680 the confinement of a prisoner in a restrictive housing unit to discipline the prisoner or if the
681 prisoner's retention in general population poses an unacceptable risk: (i) to the safety of others;
682 (ii) of damage or destruction of property; or (iii) to the operation of a correctional facility.
683 (b) In addition to meeting all standards defined by the department of public health,
684 restrictive housing units shall provide: (i) meals that meet the same standards defined by the
685 commissioner as for general population prisoners; (ii) access to showers not less than 3 days per
686 week; (iii) rights of visitation and communication by those properly authorized; provided,
687 however, that the authorization may be diminished for the enforcement of discipline for a period
688 not to exceed 15 days in a state correctional facility or 10 days in a county correctional facility

689 for any given offense; (iv) access to reading and writing materials unless clinically
690 contraindicated; (v) access to a radio or television if confinement exceeds 30 days; (vi) periodic
691 mental and psychiatric examinations under the supervision of the department of mental health;
692 (vii) medical and psychiatric treatment that may be clinically indicated under the supervision of
693 the department of mental health; (viii) the same access to canteen purchases and privileges to
694 retain property in a prisoner's cell as prisoners in the general population at the same facility;
695 provided, however, that such access and privileges may be diminished for the enforcement of
696 discipline for a period not to exceed 15 days in a state correctional facility or 10 days in a county
697 correctional facility for any given offense or where inconsistent with the security of the unit; (ix)
698 the same access to disability accommodations as prisoners in general population, except where
699 inconsistent with the security of the unit; and (x) other rights and privileges as may be
700 established or recognized by the commissioner.
701 (c) Before placement in restrictive housing, a prisoner shall be screened by a qualified
702 mental health professional to determine whether the prisoner has a serious mental illness or
703 restrictive housing is otherwise clinically contraindicated based on clinical standards adopted by
704 the department of correction and clinical judgment.
705 (d) A qualified mental health professional shall make rounds in every restrictive housing
706 unit and may conduct an out-of-cell meeting with a prisoner for whom a confidential meeting is
707 warranted in the clinician's professional judgment. Prisoners shall be evaluated by a qualified
708 mental health professional in accordance with clinical standards adopted by the department of
709 correction and clinical judgment to determine whether the prisoner has a serious mental illness or
710 restrictive housing is otherwise clinically contraindicated.

711 Section 39A. (a) A prisoner shall not be held in restrictive housing if the prisoner has a
712 serious mental illness or a finding has been made, pursuant to subsections (c) or (d) of section 39
713 or otherwise, that restrictive housing is clinically contraindicated unless, not later than 72 hours
714 after the finding, the commissioner, the sheriff or a designee of the commissioner or sheriff
715 certifies in writing: (i) the reason why the prisoner may not be safely held in the general
716 population; (ii) that there is no available placement in a secure treatment unit; (iii) efforts that are
717 being undertaken to find appropriate housing and the status of the efforts; and (iv) the anticipated
718 time frame for resolution. A copy of the written certification shall be provided to the prisoner. A
719 prisoner in restrictive housing shall be offered mental health treatment in accordance with
720 clinical standards adopted by the department.
721 (b) If a prisoner needs to be separated from general population to protect the prisoner
722 from harm by others, the prisoner shall not be placed in restrictive housing, but shall be placed in
723 a housing unit that provides approximately the same conditions, privileges, amenities and
724 opportunities as in general population; provided, however, that the prisoner may be placed in
725 restrictive housing for not more than 72 hours while suitable housing is located. A prisoner shall
726 not be held in restrictive housing to protect the prisoner from harm by others for more than 72
727 hours unless the commissioner, the sheriff or a designee of the commissioner or sheriff certifies
728 in writing: (i) the reason why the prisoner may not be safely held in the general population; (ii)
729 that there is no available placement in a unit comparable to general population; (iii) efforts that
730 are being undertaken to find appropriate housing and the status of the efforts; and (iv) the
731 anticipated time frame for resolution. A copy of the written certification shall be provided to the
732 prisoner.

733 (c) A prisoner who is or is perceived to be lesbian, gay, bisexual, transgender, queer or
734 intersex or has or is perceived to have a gender identity or expression or sexual orientation
735 uncommon in general population shall not be grounds for placement in restrictive housing.
736 (d) A prisoner shall not be confined to restrictive housing except pursuant to section 39 or
737 this section.
738 Section 39B. (a) All prisoners confined to restrictive housing shall receive placement
739 reviews at the following intervals and may receive them more frequently:
740 (i) If a prisoner is being held pursuant to subsection (a) of section 39A, every 72 hours;
741 (ii) If a prisoner is being held pursuant to subsection (b) of section 39A, every 72 hours;
742 (iii) If a prisoner is awaiting adjudication of an alleged disciplinary breach, every 15
743 days;
744 (iv) If a prisoner has been committed to disciplinary restrictive housing, every 6 months;
745 and
746 (v) If a prisoner is being held for any other reason, every 90 days.
747 (b) After a placement review, the prisoner shall be retained in restrictive housing only if
748 the prisoner is determined to pose an unacceptable risk as provided in subsection (a) of section
749 39 or if the commissioner, the sheriff or a designee of the commissioner or sheriff re-certifies, in
750 writing, the findings required by subsections (a) or (b) of section 39A.
751 (c) If a prisoner's placement in restrictive housing may reasonably be expected to last
752 more than 60 days, the prisoner shall: (i) have 24 hours written notice of placement reviews; (ii)
753 have the opportunity to participate in reviews in person or in writing; (iii) upon review, if no
754 placement change is ordered, be provided a written statement as to the evidence relied on and the
755 reasons for the placement decision; and (iv) not more than 15 days after the initial placement and

756 upon placement review, if no placement change is ordered, be advised as to behavior standards
757 and program participation goals that will increase the prisoner's chances of a less restrictive
758 placement upon next placement review.
759 (d) A prisoner who is committed to a secure treatment unit following an allegation or
760 finding of a disciplinary breach shall receive placement reviews at intervals not less than as
761 frequently as if the prisoner were confined to restrictive housing.
762 (e) The commissioner shall promulgate regulations to define standards and procedures to
763 maximize out-of-cell activities in restrictive housing and to maximize outplacements from
764 restrictive housing consistent with the safety of all persons.
765 Section 39C. The commissioner, after consultation with the sheriffs, shall promulgate
766 regulations governing the training and qualifications of correction officers, supervisors and
767 managers deployed to restrictive housing.
768 Section 39D. (a) The commissioner shall publish monthly the number of prisoners held in
769 each restrictive housing unit within each state and county correctional facility.
770 (b) The commissioner shall publish quarterly as to each restrictive housing unit within
771 each state or county correctional facility: (i) the number of prisoners as to whom a finding of
772 serious mental illness has been made and the number of such prisoners held more than 30 days;
773 (ii) the number of prisoners who have committed suicide or committed non-lethal acts of self-
774 harm; (iii) the number of prisoners according to the reason for their restrictive housing; (iv) as to
775 prisoners in disciplinary restrictive housing, a listing of prisoners with names redacted, including
776 an anonymized identification number that shall be consistent across reports, age, race, gender
777 and ethnicity, whether the prisoner has an open mental health case, the date of the prisoner's
778 commitment to discipline, the length of the prisoner's term and a summary of the reason for the

779 prisoner's commitment; (v) the count of prisoners released to the community directly or within
780 30 days of release from restrictive housing; and (vi) such additional information as the
781 commissioner may determine.
782 (c) The administrators of county correctional facilities shall furnish to the commissioner
783 all information that the commissioner deems necessary to support reporting under this section.
784 Section 39E. Prisoners held in restrictive housing for a period of more than 60 days shall
785 have access to vocational, educational and rehabilitative programs to the extent consistent with
786 the safety and security of the unit and shall receive good time for participation at the same rates
787 as the general population.
788 Section 39F. The commissioner may promulgate regulations to implement sections 39 to
789 39F, inclusive.
790 SECTION 110. Sections 40 and 41 of said chapter 127 are hereby repealed.
791 SECTION 111. Said chapter 127 is hereby further amended by inserting after section 119
792 the following section:-
793 Section 119A. (a) As used in this section, the following words shall have the following
794 meanings unless the context clearly requires otherwise:
795 "Conditional medical parole plan", a comprehensive written medical and psychosocial
796 care plan that is specific to the prisoner and includes the proposed course of treatment and post-
797 treatment care.
798 "Department", the department of correction.
799 "Permanent incapacitation", a physical or cognitive incapacitation that appears
800 irreversible, as determined by a licensed physician, and that is so debilitating that the prisoner
801 does not pose a public safety risk.

802 “Secretary”, the secretary of the executive office of public safety and security.

803 “Terminal illness”, a condition that appears incurable, as determined by a licensed
804 physician, that will likely cause the death of the prisoner in not more than 18 months and that is
805 so debilitating that the prisoner does not pose a public safety risk.

806 (b) Notwithstanding any general or special law to the contrary, a prisoner may be eligible
807 for conditional medical parole due to a terminal illness or permanent incapacitation pursuant to
808 subsections (c) and (d).

809 (c)(1)The superintendent of a correctional facility shall consider a prisoner for
810 conditional medical parole upon a written petition by the prisoner, the prisoner’s attorney, the
811 prisoner’s next of kin, the commissioner’s medical provider or a member of the department’s
812 staff. The superintendent shall review the petition and develop a recommendation as to the
813 release of the prisoner. Whether or not the superintendent recommends in favor of conditional
814 medical parole, the superintendent shall, not more than 21 days after receipt of the petition,
815 transmit the petition and the recommendation to the commissioner. The superintendent shall
816 submit with the recommendation: (i) a conditional medical parole plan; (ii) a written diagnosis
817 by a physician licensed to practice medicine under section 2 of chapter 112; and (iii) an
818 assessment of the risk for violence that the prisoner poses to society.

819 (2) Upon receipt of the petition and recommendation under paragraph (1), the
820 commissioner shall notify, in writing, the district attorney, the prisoner, the person who
821 requested the release, if not the prisoner, and, if applicable under chapter 258B, the victim or the
822 victim’s family that the prisoner is being considered for conditional medical parole. The parties
823 who receive the notice shall have an opportunity to provide written statements; provided,

824 however, that if the prisoner was convicted and is serving a sentence under section 1 of chapter
825 265, the district attorney or victim's family may request a hearing.
826 (d)(1) A sheriff shall consider a prisoner for conditional medical parole upon a written
827 petition filed by the prisoner, the prisoner's attorney, the prisoner's next of kin, the sheriff's
828 medical provider or a member of the sheriff's staff. The sheriff shall review the request and
829 develop a recommendation as to the release of the prisoner. Whether or not the sheriff
830 recommends in favor of conditional medical parole, the sheriff shall, not more than 21 days after
831 receipt of the petition, transmit with the petition and the recommendation to the commissioner.
832 The sheriff shall transmit with the petition: (i) a conditional medical parole plan; (ii) a written
833 diagnosis by a physician licensed to practice medicine under section 2 of chapter 112; and (iii) an
834 assessment of the risk for violence that the prisoner poses to society.
835 (2) Upon receipt of the petition and recommendation under paragraph (1), the
836 commissioner shall notify, in writing, the district attorney, the prisoner, the person who
837 requested the release, if not the prisoner and, if applicable under chapter 258B, the victim or the
838 victim's family that the prisoner is being considered for conditional medical parole. The parties
839 who receive the notice shall have an opportunity to submit written statements.
840 (e) The commissioner shall issue a written decision not later than 45 days after receipt of
841 a petition, which shall be accompanied by a statement of reasons for the commissioner's
842 decision. If the commissioner determines that a prisoner is terminally ill or permanently
843 incapacitated such that if the prisoner is released the prisoner will live and remain at liberty
844 without violating the law and that the release will not be incompatible with the welfare of
845 society, the prisoner shall be released on conditional medical parole. The parole board shall

846 impose terms and conditions for conditional medical parole that shall apply through the date
847 upon which the prisoner's sentence would have expired.
848 Not less than 24 hours before the date of a prisoner's release on conditional medical
849 parole, the commissioner shall notify, in writing, the district attorney, the department of state
850 police, the police department in the city or town in which the prisoner shall reside and, if
851 applicable under chapter 258B, the victim or the victim's family of the prisoner's release and the
852 terms and conditions of the release.
853 (f) A prisoner granted release under this section shall be under the jurisdiction,
854 supervision and control of the parole board, as if the prisoner had been paroled pursuant to
855 section 130 of chapter 127. The parole board may revise, alter or amend the terms and conditions
856 of a conditional medical parole at any time. If a parole officer receives credible information that
857 a prisoner has failed to comply with a condition of the prisoner's release or upon discovery that
858 the terminal illness or permanent incapacitation has improved to the extent that the prisoner
859 would no longer be eligible for conditional medical parole under this section, the parole officer
860 shall immediately arrest the prisoner and bring the prisoner before the board for a hearing. If the
861 board determines that the prisoner violated a condition of the prisoner's conditional medical
862 parole or that the terminal illness or permanent incapacitation has improved to the extent that the
863 prisoner would no longer be eligible for conditional medical parole pursuant to this section, the
864 prisoner shall resume serving the balance of the sentence with credit given only for the duration
865 of the prisoner's conditional medical parole that was served in compliance with all conditions set
866 pursuant to this subsection. Revocation of a prisoner's conditional medical parole due to a
867 change in the prisoner's medical condition shall not preclude a prisoner's eligibility for
868 conditional medical parole in the future or for another form of release permitted by law.

869 (g) A prisoner or sheriff aggrieved by a decision denying or granting conditional medical
870 parole made under this section may petition for relief pursuant to section 4 of chapter 249. A
871 decision by the court affirming or reversing the commissioner's grant or denial of conditional
872 medical parole shall not affect a prisoner's eligibility for any other form of release permitted by
873 law. A decision under this subsection shall not preclude a prisoner's eligibility for conditional
874 medical parole in the future.
875 (h) The commissioner and the secretary shall promulgate rules and regulations necessary
876 to implement this section.
877 (i) The commissioner and the secretary shall file an annual report not later than March 1
878 with the clerks of the senate and the house of representatives, the senate and house committees
879 on ways and means and the joint committee on the judiciary detailing, for the prior fiscal year: (i)
880 the number of prisoners in the custody of the department or of the sheriffs who applied for
881 conditional medical parole under this section and the race and ethnicity of each applicant; (ii) the
882 number of prisoners who have been granted conditional medical parole and the race and ethnicity
883 of each prisoner; (iii) the nature of the illness of the applicants for conditional medical parole;
884 (iv) the counties to which the prisoners have been released; (v) the number of prisoners who have
885 been denied conditional medical parole, the reason for the denial and the race and ethnicity of
886 each prisoner; (vi) the number of prisoners who have petitioned for conditional medical parole
887 more than once; (vii) the number of prisoners released who have been returned to the custody of
888 the department or the sheriff and the reason for each prisoner's return; and (viii) the number of
889 petitions for relief sought pursuant to subsection (g).

890 SECTION 112. Section 130 of said chapter 127, as appearing in the 2016 Official
891 Edition, is hereby amended by inserting after the word “that”, in line 47, the following words :-
892 the terms and conditions shall not include payment of a supervision fee; provided further, that.
893 SECTION 113. Section 133A of said chapter 127, as so appearing, is hereby amended by
894 striking out, in line 5, the words “18 years” and inserting in place thereof the following words:-
895 criminal majority.
896 SECTION 114. Said section 133A of said chapter 127, as so appearing, is hereby further
897 amended by adding the following paragraph:-
898 If a prisoner is indigent and is serving a life sentence for an offense that was committed
899 before the prisoner reached the age of criminal majority, the prisoner shall have the right to have
900 appointed counsel at the parole hearing and shall have the right to funds for experts as
901 determined by the standards in chapter 261.
902 SECTION 115. Section 133C of said chapter 127, as so appearing, is hereby amended by
903 striking out, in line 7, the words “18 years” and inserting in place thereof the following words:-
904 criminal majority.
905 SECTION 116. Section 144 of said chapter 127, as so appearing, is hereby amended by
906 striking out, in line 3, the words “thirty dollars” and inserting in place thereof the following
907 figure:- $90.
908 SECTION 117. Said chapter 127 is hereby further amended by striking out section 145,
909 as so appearing, and inserting in place thereof the following section:-
910 Section 145. (a) A justice of a trial court shall not commit a person to a prison or place of
911 confinement solely for the nonpayment of money owed if the person has shown by a
912 preponderance of the evidence that the person is not able to pay without imposing substantial

913 financial hardship on the person or the person's family or dependents. A court shall determine if
914 a substantial financial hardship exists at a hearing where it shall consider the person's
915 employment status, earning ability, financial resources, living expenses and any special
916 circumstances that may affect the person's ability to pay.
917 (b) A justice of trial court shall not commit a person to a prison or place of confinement
918 solely for the nonpayment of money owed if the person was not offered counsel for the
919 commitment portion of the case.
920 (c) A justice of the trial court shall consider alternatives to incarceration before
921 committing a person to a prison or place of confinement solely for nonpayment of a fine or any
922 expenses.
923 (d) A justice of the trial court shall not commit a person who has not reached the age of
924 criminal majority to a prison, place of confinement or the department of youth services solely for
925 the nonpayment of money.
926 SECTION 118. Section 10 of chapter 209A of the General Laws, as so appearing, is
927 hereby amended by striking out the third sentence and inserting in place thereof the following
928 sentence:- The court may reduce or waive the assessment if the court finds that the person is
929 indigent or that payment of the assessment would cause substantial financial hardship to the
930 person or the person's family or dependents.
931 SECTION 119. Chapter 211B of the General Laws is hereby amended by adding the
932 following section:-
933 Section 22. For the purposes of updating the criminal history record, the trial court shall
934 electronically send to the department of state police all criminal case disposition information for
935 the offender, including sealing and expungement orders and dismissals, together with the

936 corresponding offense-based tracking number and fingerprint-based state identification number,
937 to the extent that the offender has been assigned such numbers and the numbers have been
938 provided to the court.
939 SECTION 120. Section 2A of chapter 211D, as appearing in the 2016 Official Edition, is
940 hereby amended by striking out, in line 105, the word "A" and inserting in place thereof the
941 following words:- Except for a person under the age of criminal majority, a.
942 SECTION 121. Said section 2A of said chapter 211D, as so appearing, is hereby further
943 amended by striking out, in lines 106, 108, 110 and 112, the figure "$150" and inserting in place
944 thereof, in each instance, the following figure:- $100.
945 SECTION 122. Subsection (f) of said section 2A of said chapter 211D, as amended by
946 section 121, is hereby further amended by striking out, each time it appears, the figure "$100"
947 and inserting in place thereof, in each instance, the following figure:- $50.
948 SECTION 123. Said section 2A of said chapter 211D, as so appearing, is hereby
949 amended by striking out subsection (f), as so appearing, and inserting in place thereof the
950 following subsection:-
951 (f) Notwithstanding any general or special law to the contrary, no person determined to
952 be indigent shall be assessed a counsel fee.
953 SECTION 124. Said section 2A of said chapter 211D is hereby amended by striking out
954 subsection (i), as appearing in section 124, and inserting in place thereof the following
955 subsection:-
956 (i) The trial court shall submit an annual report to the senate and house committees on
957 ways and means that shall include, but not be limited to: (i) the number of individuals claiming
958 indigency who are determined to be indigent for the purposes of appointment of counsel; (ii) the

959 number of individuals claiming indigency who are determined not to be indigent for the purposes
960 of appointment of counsel; (iii) the total number of times that an indigent but able to contribute
961 counsel fee was collected or waived and the aggregate amount of indigent but able to contribute
962 counsel fees collected and waived; (iv) the average indigent but able to contribute counsel fee
963 that each court division collects; (v) the total number of times that an indigent but able to
964 contribute fee was collected or waived and the aggregate amount of indigent but able to
965 contribute fees collected and waived; and (vi) other pertinent information to ascertain the
966 effectiveness of indigency verification procedures. The information in the report shall be
967 delineated by court division and delineated further by month.
968 SECTION 125. Section 7 of chapter 212 of the General Laws, as appearing in the 2016
969 Official Edition, is hereby amended by inserting after the first sentence the following sentence:-
970 An indictment for an offense shall be accompanied by the offense-based tracking number and
971 fingerprint-based state identification number of the defendant when the corresponding charges
972 result from an arrest.
973 SECTION 126. Section 26 of chapter 218 of the General Laws, as appearing in the 2016
974 Official Edition, is hereby amended by striking out, in line 27, the words "two hundred and
975 sixty-eight" and inserting in place thereof the following words:- 268, conspiracy under section 7
976 of chapter 274, solicitation to commit a felony under section 8 of said chapter 274.
977 SECTION 126A.Said Section 26 of chapter 218, as so appearing, is hereby further
978 amended by striking out, in lines 26 to 27, the words "intimidation of a witness or juror under
979 section thirteen B" and inserting in place thereof the following words:- section 13B.
980 SECTION 127. Said chapter 218 is hereby further amended by inserting after section 32
981 the following section:-

982 Section 32A. An application for a criminal complaint submitted to the district court by a
983 police department against a person arrested for an offense shall be accompanied by an offense-
984 based tracking number.
985 An otherwise valid application for a complaint submitted by a police department against
986 a person arrested shall not preclude the issuance of a complaint merely because the application
987 does not include an arrestee's offense-based tracking number. If a complaint is issued based on
988 an application for a complaint submitted by a police department against a person arrested that did
989 not include the arrestee's offense-based tracking number, the prosecutor shall submit the offense-
990 based tracking number of the defendant to the court to be included in the case file.
991 SECTION 128. Section 20 of chapter 233 of the General Laws, as appearing in the 2016
992 Official Edition, is hereby amended by striking out clause Fourth and inserting in place thereof
993 the following clause:-
994 Fourth, A parent shall not testify against the parent's minor child and a minor child shall
995 not testify against the child's parent in a proceeding before an inquest, grand jury, trial of an
996 indictment or complaint or any other criminal, delinquency or youthful offender proceeding in
997 which the victim in the proceeding is not a family member and does not reside in the family
998 household; provided, however, that for the purposes of this clause, "parent" shall mean the
999 biological or adoptive parent, stepparent, foster parent, legal guardian or other person who has
1000 the right to act in loco parentis for the child; provided further, that in a case in which the victim
1001 is a family member and resides in the family household, the parent shall not testify as to any
1002 communication with the minor child that was for the purpose of seeking advice regarding the
1003 child's legal rights.

1004 SECTION 129. Section 13 of chapter 250 of the General Laws, as so appearing, is hereby
1005 amended by striking out, in line 3, the figure “18” and inserting in place thereof the following
1006 words:- criminal majority.
1007 SECTION 130. Section 8 of chapter 258B of the General Laws, as so appearing, is
1008 hereby amended by striking out, in lines 38 to 40, inclusive, the words “severe financial hardship
1009 upon the person against whom the assessment is imposed” and inserting in place thereof the
1010 following words:- substantial financial hardship upon the person against whom the assessment is
1011 imposed or upon the person’s family or dependents.
1012 SECTION 131. Section 2 of chapter 258E of the General Laws, as so appearing, is
1013 hereby amended by striking out, in line 7, the figure “18” and inserting in place thereof the
1014 following words:- criminal majority.
1015 SECTION 132. Chapter 263 of the General Laws is hereby amended by striking out
1016 section 1A, as so appearing, and inserting in place thereof the following section:-
1017 Section 1A. Whoever is arrested by virtue of process or is taken into custody by an
1018 officer and is charged with the commission of a felony or misdemeanor shall be fingerprinted
1019 according to the system of the department of state police and photographed. The fingerprints and
1020 photographs shall be immediately forwarded to the department of state police to allow a
1021 biometric positive identification. The fingerprint record shall be suitable for comparison and
1022 shall include an offense-based tracking number, completed description of the offenses charged
1023 and other descriptors as required.
1024 The executive office of public safety and security may audit police departments for
1025 compliance with this section.

1026 SECTION 133. Section 1 of chapter 263A of the General Laws, as so appearing, is
1027 hereby amended by striking out the definition of "Critical witness" and inserting in place thereof
1028 the following definition:-
1029 "Critical witness", a person who is participating, has participated or is reasonably
1030 expected to participate in a criminal investigation, motion hearing, trial, show cause hearing or
1031 other criminal proceeding or a proceeding involving an alleged violation of conditions of
1032 probation or parole or the commitment of a sexually dangerous person pursuant to chapter 123A
1033 or who has received a subpoena requiring such participation and who is, or was, in the judgment
1034 of the prosecuting officer, a necessary witness at any of the aforementioned proceedings;
1035 provided, however, that "critical witness" shall also include such a person's relatives, guardians,
1036 friends or associates who are or may be endangered by the person's participation in any of the
1037 aforementioned proceedings.
1038 SECTION 134. Section 2 of chapter 265 of the General Laws, as so appearing, is hereby
1039 amended by striking out, in line 7, the words "person's eighteenth birthday" and inserting in
1040 place thereof the following words:- person has attained the age of criminal majority.
1041 SECTION 135. Said chapter 265 is hereby further amended by striking out section 13, as
1042 so appearing, and inserting in place thereof the following section:-
1043 Section 13. (a) Except as hereinafter provided, whoever is found guilty of manslaughter
1044 shall be punished by imprisonment in the state prison for not more than 20 years or by a
1045 imprisonment in a house of correction for not more than 2½ years and a fine of not more than
1046 $1,000. Whoever is found guilty of manslaughter while committing a violation of sections 102 to
1047 102C, inclusive, of chapter 266 shall be punished by imprisonment in the state prison for life or
1048 for any term of years.

1049 (b) A corporation that is found guilty of manslaughter shall be punished by a fine of not
1050 less than $250,000. If a corporation is found guilty under this section, the appropriate
1051 commissioner or secretary may debar the corporation under section 29F of chapter 29 for not
1052 more than 10 years.
1053 SECTION 136. Said chapter 265 is hereby further amended by striking out section 13B,
1054 as so appearing, and inserting in place thereof the following section:-
1055 Section 13B. Whoever is found guilty of indecent assault and battery on a minor under
1056 the age of 14 shall be punished by imprisonment in the state prison for not more than 10 years or
1057 by imprisonment in a house of correction for not more than 2½ years. A prosecution commenced
1058 under this section shall not be continued without a finding or placed on file. In a prosecution
1059 under this section, a minor under the age of 14 years shall be deemed incapable of consenting to
1060 any conduct of the defendant for which the defendant is being prosecuted unless: (i) the
1061 defendant is not more than 2 years older than the minor; or (ii) the defendant is not more than 1
1062 years older than the minor if the minor is under 12 years of age.
1063 SECTION 137. Section 15A of said chapter 265, as so appearing, is hereby amended by
1064 striking out, in line 24, the words “18 years of age or over” and inserting in place thereof the
1065 following words:- who has attained the age of criminal majority.
1066 SECTION 138. Said section 15A of said chapter 265, as so appearing, is hereby further
1067 amended by striking out, in line 46, the words “is 18 years of age or older” and inserting in place
1068 thereof the following words:- has attained the age of criminal majority.
1069 SECTION 139. Section 15B of said chapter 265, as so appearing, is hereby amended by
1070 striking out, in line 24, the words “18 years of age or over” and inserting in place thereof the
1071 following words:- who has attained the age of criminal majority.

1072 SECTION 140. Section 18 of said chapter 265, as so appearing, is hereby amended by
1073 striking out, in line 26 and 27, the words “18 years of age or over” and inserting in place thereof
1074 the following words:- who has attained the age of criminal majority.
1075 SECTION 141. Section 18B of said chapter 265, as so appearing, is hereby amended by
1076 striking out, in lines 43 and 44, the figure “18 years of age or over” and inserting in place thereof
1077 the following words:- who has attained the age of criminal majority.
1078 SECTION 142. Section 19 of said chapter 265, as so appearing, is hereby amended by
1079 striking out, in lines 23 and 24, the words “18 years of age or over” and inserting in place thereof
1080 the following words:-who has attained the age of criminal majority.
1081 SECTION 143. Said chapter 265 is hereby further amended by striking out section 23, as
1082 so appearing, and inserting in place thereof the following section:-
1083 Section 23. Whoever has sexual intercourse with a minor under 16 years of age and: (i)
1084 the defendant is more than 3 years older than the minor; (ii) the minor is under 15 years of age
1085 and the defendant is more than 2 years older than the minor; or (iii) the minor is under 12 years
1086 of age and the defendant is more than 1 year older than the minor shall be punished by
1087 imprisonment in the state prison for life or for any term of years or, except as otherwise
1088 provided, for any term of years in a jail or house of correction; provided, however, that a
1089 prosecution commenced under this section shall not be placed on file or continued without a
1090 finding.
1091 Notwithstanding section 54 of chapter 119 or any other general or special law to the
1092 contrary, in a prosecution under this section in which the defendant is under the age of criminal
1093 majority at the time of the offense, the commonwealth shall only proceed by a complaint in
1094 juvenile court or in a juvenile session of a district court.

1095 SECTION 144. Section 43 of said chapter 265, as so appearing, is hereby amended by
1096 striking out, in lines 56 and 89, the words “18 years of age or over” and inserting in place
1097 thereof, in each instance, the following words:- who has attained the age of criminal majority.
1098 SECTION 145. The second paragraph of section 47 of said chapter 265, as so appearing,
1099 is hereby amended by striking out the last sentence and inserting in place thereof the following
1100 sentence:- The court may waive the fees if an offender establishes that the fees would impose a
1101 substantial financial hardship upon the offender or the offender’s family or dependents.
1102 SECTION 146. Section 30 of chapter 266, as so appearing, is hereby amended by striking
1103 out, in lines 9, 13 and 14, 77 and 82, the words “two hundred and fifty dollars” and inserting in
1104 place thereof, in each instance, the following figure:- $1,500.
1105 SECTION 147. Said section 30 of said chapter 266, as so appearing, is hereby further
1106 amended by striking out, in lines 16 to 23, the words “property was stolen from the conveyance
1107 of a common carrier or of a person carrying on an express business, shall be punished for the
1108 first offence by imprisonment for not less than six months nor more than two and one half years,
1109 or by a fine of not less than fifty nor more than six hundred dollars, or both, and for a subsequent
1110 offence, by imprisonment for not less than eighteen months nor more than two and one half
1111 years, or by a fine of not less than one hundred and fifty nor more than six hundred dollars, or
1112 both” and inserting in place thereof the following words:- value of the property stolen is more
1113 than $250 but not more than $500, shall be punished by imprisonment in a jail or house of
1114 correction for not more than 1 year or by a fine of not more than $500; or, if the value of the
1115 property stolen is more than $500 but not more than $1,000, shall be punished by imprisonment
1116 in a jail or house of correction for not more than 1 year or by a fine of not more than $1,000; or,
1117 if the value of the property stolen is more than $1,000 but not more than $1,500, shall be

1118 punished by imprisonment in a jail or house of correction for not more than 1 year or by a fine of
1119 not more than $2,500.
1120 SECTION 148. Said section 30 of said chapter 266, as so appearing, is hereby further
1121 amended by adding the following paragraph:-
1122 (6) A law enforcement officer may arrest a person without a warrant that the officer has
1123 probable cause to believe has committed an offense under this section and the value of the
1124 property stolen is more than $250.
1125 SECTION 149. Section 30A of said chapter 266, as so appearing, is hereby amended by
1126 striking out, in lines 35 and 42 and in lines 46 and 47, the words "one hundred dollars" and
1127 inserting in place thereof, in each instance, the following figure:- $250.
1128 SECTION 150. Section 37A of said chapter 266, as so appearing, is hereby amended by
1129 striking out the definition of "Credit card" and inserting in place thereof the following
1130 definition:-
1131 "Credit card", an instrument or device, whether known as a credit card, credit plate or
1132 other name, or the code of number used to identify that instrument or device or an account of
1133 credit or cash accessed by that instrument or device, issued with or without a fee by an issuer for
1134 the use of the cardholder in obtaining money, goods, services or anything else of value on credit
1135 or by debit from a cash account.
1136 SECTION 151. Section 37B of said chapter 266, as so appearing, is hereby amended by
1137 striking out, in lines 24 and 25, 29 and 30, 37 and 38 and 45 and 46, the words "two hundred and
1138 fifty dollars" and inserting in place thereof, in each instance, the following figure:- $1,500.

1139 SECTION 152. Said section 37B of said chapter 266, as so appearing, is hereby further
1140 amended by striking out, in lines 49 and 50, the words “five hundred dollars” and inserting in
1141 place thereof the following figure:- $3,000.
1142 SECTION 153. Said section 37B of said chapter 266, as so appearing, is hereby further
1143 amended by striking out the last paragraph and inserting in place thereof the following
1144 paragraph:-
1145 A law enforcement officer may arrest any person without a warrant that the officer has
1146 probable cause to believe has committed an offense under this section and the value of the
1147 property stolen exceeds $250.
1148 SECTION 154. Section 37C of said chapter 266, as so appearing, is hereby amended by
1149 striking out, in lines 12, 17 and 23, and in lines 31 and 32, the words “two hundred and fifty
1150 dollars” and inserting in place thereof, in each instance, the following figure:- $1,500.
1151 SECTION 155. Said section 37C of said chapter 266, as so appearing, is hereby further
1152 amended by striking out, in lines 39 and 40, the words “two thousand dollars” and inserting in
1153 place thereof the following figure:- $5,000.
1154 SECTION 156. Said section 37C of said chapter 266, as so appearing, is hereby further
1155 amended by striking out the last paragraph and inserting in place thereof the following
1156 paragraph:-
1157 A law enforcement officer may arrest any person without warrant that the officer has
1158 probable cause to believe has committed an offense under this section and the value of the
1159 property stolen exceeds $250.

1160 SECTION 157. Section 60 of said chapter 266, as so appearing, is hereby amended by
1161 striking out, in lines 13, 16 and 20, the figure “$250” and inserting in place thereof, in each
1162 instance, the following figure:- $1,500.
1163 SECTION 158. Said section 60 of said chapter 266, as so appearing, is hereby further
1164 amended by striking out, in line 15, the figure “$1,000” and inserting in place thereof the
1165 following figure:- $2,500.
1166 SECTION 159. Said section 60 of said chapter 266, as so appearing, is hereby further
1167 amended by adding the following paragraph:-
1168 A law enforcement officer may arrest any person without warrant that the officer has
1169 probable cause to believe has committed an offense under this section and the value of the
1170 property stolen exceeds $250.
1171 SECTION 160. Section 126A of said chapter 266, as so appearing, is hereby amended by
1172 striking out the second paragraph.
1173 SECTION 161. Section 126B of said chapter 266, as so appearing, is hereby amended by
1174 striking out the second paragraph.
1175 SECTION 162. Section 127 of said chapter 266, as so appearing, is hereby amended by
1176 striking out, in line 13, the words “two hundred and fifty dollars” and inserting in place thereof
1177 the following figure:- $1,500.
1178 SECTION 163. Chapter 268 of the General Laws is hereby amended by striking out
1179 section 13B, as so appearing, and inserting in place thereof the following section:-
1180 Section 13B. (a) As used in this section, the following words shall have the following
1181 meanings unless the context clearly requires otherwise:

1182 “Investigator”, an individual or group of individuals lawfully authorized by a department
1183 or agency of the federal government or any political subdivision thereof or a department or
1184 agency of the commonwealth or any political subdivision thereof to conduct or engage in an
1185 investigation of, prosecution for, or defense of a violation of the laws of the United States or of
1186 the commonwealth in the course of such individual’s or group’s official duties.
1187 “Harass”, to engage in an act directed at a specific person or group of persons that
1188 seriously alarms or annoys such person or group of persons and would cause a reasonable person
1189 or group of persons to suffer substantial emotional distress including, but not limited to, an act
1190 conducted by mail or by use of a telephonic or telecommunication device or electronic
1191 communication device including, but not limited to, a device that transfers signs, signals, writing,
1192 images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire,
1193 radio, electromagnetic, photoelectronic or photo-optical system including, but not limited to,
1194 electronic mail, internet communications, instant messages and facsimile communications.
1195 (b) Whoever willfully, either directly or indirectly: (i) threatens, attempts or causes
1196 physical, emotional or economic injury or property damage to; (ii) conveys a gift, offer or
1197 promise of anything of value to; or (iii) misleads, intimidates or harasses another person who is
1198 a: (A) witness or potential witness; (B) person who is or was aware of information, records,
1199 documents or objects that relate to a violation of a criminal law or a violation of conditions of
1200 probation, parole, bail or other court order; (C) judge, juror, grand juror, attorney, victim witness
1201 advocate, police officer, federal agent, investigator, clerk, court officer, court reporter, court
1202 interpreter, probation officer or parole officer; (D) person who is or was attending or a person
1203 who had made known an intention to attend a proceeding described in this section; or (E) family
1204 member of a person described in this section, with the intent to or with reckless disregard for the

1205 fact that it may: (1) impede, obstruct, delay, prevent or otherwise interfere with: (I) a criminal
1206 investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a
1207 trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or
1208 probation violation proceeding; or (II) an administrative hearing or a probate or family court
1209 proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-
1210 ordered mediation or any other civil proceeding of any type; or (2) punish, harm or otherwise
1211 retaliate against any such person described in this section for such person or such person's family
1212 member's participation in any of the proceedings described in this section, shall be punished by
1213 imprisonment in the state prison for not more than 10 years or by imprisonment in the house of
1214 correction for not more than 2 ½ years or by a fine of not less than $1,000 or more than $5,000
1215 or by both such fine and imprisonment. If the proceeding in which the misconduct is directed at
1216 is the investigation or prosecution of a crime punishable by life imprisonment or the parole of a
1217 person convicted of a crime punishable by life imprisonment, such person shall be punished by
1218 imprisonment in the state prison for not more than 20 years or by imprisonment in the house of
1219 corrections for not more than 2 ½ years or by a fine of not more than $10,000 or by both such
1220 fine and imprisonment.
1221 (c) A prosecution under this section may be brought in the county in which the criminal
1222 investigation, trial or other proceeding was being conducted or took place or in the county in
1223 which the alleged conduct constituting the offense occurred.
1224 SECTION 164. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
1225 amended by striking out, in line 53, the words "18 years of age or older" and inserting in place
1226 thereof the following words:- who has attained the age of criminal majority.

1227 SECTION 165. Said section 10 of said chapter 269, as so appearing, is hereby further
1228 amended by striking out, in line 55, the words “ages fourteen and 18” and inserting in place
1229 thereof the following words:- age 14 and the age of criminal majority.
1230 SECTION 166. Said section 10 of said chapter 269, as so appearing, is hereby further
1231 amended by striking out, in lines 223 and 255, the words “18 years of age or over” and inserting
1232 in place thereof the following words:- who has attained the age of criminal majority.
1233 SECTION 167. Section 10E of said chapter 269, as so appearing, is hereby amended by
1234 striking out, in lines 40 and 41, the words “18 years of age or over” and inserting in place thereof
1235 the following words:- who has attained the age of criminal majority.
1236 SECTION 168. Said section 10E of said chapter 269, as so appearing, is hereby further
1237 amended by striking out, in line 42, the figure “18” and inserting in place thereof the following
1238 words:- the age of criminal majority.
1239 SECTION 169. Section 10F of said chapter 269, as so appearing, is hereby amended by
1240 striking out, in lines 4 and 28, the words “18 years of age or over” and inserting in place thereof
1241 the following words:- who has attained the age of criminal majority.
1242 SECTION 170. Said section 10F of said chapter 269, as so appearing, is hereby further
1243 amended by striking out, in line 32, the figure “18”and inserting in place thereof the following
1244 words:- criminal majority.
1245 SECTION 171. Said section 10F of said chapter 269, as so appearing, is hereby further
1246 amended by striking out, in line 50, the words “17 years of age” and inserting in place thereof the
1247 following words:- who has attained the age of criminal majority

1248 SECTION 172. Section 10G of said chapter 269, as so appearing, is hereby amended by
1249 striking out, in lines 34 and 35, the words “18 years of age or over” and inserting in place thereof
1250 the following words:- who has attained the age of criminal majority.
1251 SECTION 173. Section 4 of chapter 272 of the General Laws is hereby repealed.
1252 SECTION 174. Said chapter 272 is hereby further amended by striking out section 40, as
1253 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-
1254 Section 40. Whoever willfully interrupts or disturbs an assembly of people meeting for a
1255 lawful purpose shall be punished by imprisonment for not more than 1 month or by a fine of not
1256 more than $50; provided, however, that an elementary or secondary school student shall not be
1257 charged, adjudicated delinquent or convicted for an alleged violation of this section for such
1258 conduct within school buildings or on school grounds or in the course of school-related events.
1259 SECTION 175. Section 53 of said chapter 272, as so appearing, is hereby amended by
1260 striking out subsection(b) and inserting in place thereof the following subsection:-
1261 (b) Disorderly persons and disturbers of the peace shall, for a first offense, be punished
1262 by a fine of not more than $150; provided, however, that no such person who violates this
1263 subsection shall have a finding of delinquency entered against that person for a first offense. For
1264 a second or subsequent offense, disorderly persons and disturbers of the peace shall be punished
1265 by imprisonment in a jail or house of correction for not more than 6 months or by a fine of not
1266 more than $200 or by both such fine and imprisonment; provided, however, that an elementary
1267 or secondary school student shall not be charged, adjudicated delinquent or convicted for an
1268 alleged violation of this subsection for such conduct within school buildings or on school
1269 grounds or in the course of school-related events.

1270 SECTION 176. Section 6 of chapter 274 of the General Laws, as so appearing, is hereby
1271 amended by striking out, in lines 1 to 3, inclusive, the words “by doing any act toward its
1272 commission, but fails in its perpetration, or is intercepted or prevented in its perpetration,” and
1273 inserting in place thereof the following:- as defined in section 6A.
1274 SECTION 177. Said chapter 274 is hereby further amended by inserting after section 6
1275 the following section:-
1276 Section 6A. (a) A person shall be guilty of an attempt to commit a crime if, acting with
1277 the intent otherwise required for commission of the crime, such person:
1278 (i) purposely engages in conduct that would constitute the crime if the attendant
1279 circumstances were as the person believes them to be;
1280 (ii) when causing a particular result is an element of the crime, does or omits to do
1281 anything with the purpose of causing or with the belief that it will cause such result without
1282 further conduct on the person’s part; or
1283 (iii) purposely does or omits to do anything that, under the circumstances as the person
1284 believes them to be, is an act or omission constituting a substantial step in a course of conduct
1285 planned to culminate in that person’s commission of the crime.
1286 (b) Conduct shall not be held to constitute a substantial step under clause (iii) of
1287 subsection (a) unless it is strongly corroborative of the actor’s criminal purpose.
1288 (c) A person who engages in conduct designed to aid another to commit a crime that
1289 would establish such person’s complicity if the crime were committed by such other person,
1290 shall be guilty of an attempt to commit a crime whether or not the crime is committed or
1291 attempted by such other person.

1292 (d) When the actor's conduct would otherwise constitute an attempt under clause (ii) or
1293 (iii) of subsection (a), it shall be an affirmative defense that the actor abandoned the effort to
1294 commit the crime or otherwise prevented its commission under circumstances which clearly
1295 demonstrate a complete and voluntary renunciation of the actor's criminal purpose. The
1296 establishment of such a defense shall not affect the liability of an accomplice who did not join in
1297 such abandonment or prevention.
1298 Renunciation of criminal purpose shall not be deemed voluntary if it is motivated, in
1299 whole or in part, by circumstances not present or apparent at the inception of the actor's course
1300 of conduct, that increase the probability of detection or apprehension or that make more difficult
1301 the accomplishment of the criminal purpose. Renunciation shall not be complete if it is
1302 motivated by a decision to postpone the criminal conduct until a more advantageous time or to
1303 transfer the criminal effort to another but similar objective or victim.
1304 SECTION 178. Said chapter 274 is hereby further amended by adding the following
1305 section:-
1306 Section 8. Whoever solicits, counsels, advises or otherwise entices another to commit a
1307 crime that may be punished by imprisonment in the state prison and who intends that the person,
1308 in fact, commit or procure the commission of the crime alleged shall, except as otherwise
1309 provided, be punished:
1310 (i) by imprisonment in the state prison for not more than 20 years or in a jail or house of
1311 correction for not more than 2½ half years or by a fine of not more than $10,000 or by both such
1312 fine and imprisonment if the intent of the solicitation, counsel, advice or enticement is a crime
1313 punishable by imprisonment for life;

1314 (ii) by imprisonment in the state prison for not more than 10 years or in a jail or house of
1315 correction for not more than 2½ years or by a fine of not more than $10,000 or by both such fine
1316 and imprisonment if the intent of the solicitation, counsel, advice or enticement is a crime
1317 punishable by imprisonment in the state prison for at least 10 years but not punishable by
1318 imprisonment for life;
1319 (iii) by imprisonment in the state prison for not more than 5 years or in a jail or house of
1320 correction for not more than 2½ years or by a fine of not more than $5,000 or by both such fine
1321 and imprisonment if the intent of the solicitation, counsel, advice or enticement is a crime
1322 punishable by imprisonment in the state prison for at least 5 years but not more than 10 years; or
1323 (iv) by imprisonment for not more 2½ years in a jail or house of correction or by a fine of
1324 not more than $2,000 or by both such fine and imprisonment if the intent of the solicitation,
1325 counsel, advice or enticement is a crime punishable by imprisonment in the state prison for less
1326 than 5 years.
1327 If a person is convicted of a crime of solicitation, counsel, advice or enticement for which
1328 crime the penalty for solicitation, counsel, advice or enticement is expressly set forth, in any
1329 other General Law, this section shall not apply and the penalty therefor shall be imposed
1330 pursuant to the other General Law.
1331 SECTION 179. Section 30 of chapter 276 of the General Laws, as appearing in the 2016
1332 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words “upon a finding
1333 of good cause by the court the fee may be waived” and inserting in place thereof the following
1334 words:- the court may waive the fee upon a finding of good cause or upon a finding that such fee
1335 would impose a substantial financial hardship on the person or the person’s family or
1336 dependents.

1337 SECTION 180. Said section 30 of said chapter 276, as so appearing, is hereby further
1338 amended by striking out, in line 11, the words “such person is indigent” and inserting in place
1339 thereof the following words:- the fee would impose a substantial financial hardship on the person
1340 or the person’s family or dependents.
1341 SECTION 181. Section 42A of said chapter 276, as so appearing, is hereby amended by
1342 striking out the first 6 paragraphs and inserting in place thereof the following paragraph:-
1343 As part of the disposition of a criminal complaint involving a crime of abuse as defined in
1344 section 57, the court may establish such terms and conditions of probation as will insure the
1345 safety of the person who has suffered such abuse or threat thereof and will prevent the recurrence
1346 of such abuse or the threat thereof.
1347 SECTION 182. Said chapter 276 is hereby further amended by striking out sections 57 to
1348 59, inclusive, as so appearing, and inserting in place thereof the following 8 sections:-
1349 Section 57. (a) The following words, as used in section 42A and sections 57 to 59,
1350 inclusive, shall have the following meanings unless the context clearly requires otherwise:
1351 “Bail commissioner”, a person other than a statutorily-authorized magistrate or an
1352 assistant clerk of the superior court department appointed by the trial court of the commonwealth
1353 to admit to bail outside of court hours.
1354 “Bail magistrate”, a clerk magistrate or assistant clerk magistrate of the district court
1355 department, Boston municipal court department, juvenile court department or housing court
1356 department or a clerk of court of the superior court department or an assistant clerk of the
1357 superior court department who has been approved by the trial court of the commonwealth to
1358 admit people to bail.

1359 “Controlled substance”, the same meaning as ascribed to it in section 1 of chapter 94C;

1360 “Crime of abuse”, a crime or complaint that involves the infliction, or the imminent threat
1361 of infliction, of physical harm upon a person by such person’s family or household member as
1362 defined in section 1 of chapter 209A, which may include assault and battery, trespass and threat
1363 to commit a crime or any violation of an order issued pursuant to section 18, 34B or 34C of
1364 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 or 20 of
1365 chapter 209C or any act that would constitute abuse as defined in said section 1 of said chapter
1366 209A or a violation of section 13M or 15D of chapter 265;

1367 “Dangerous crime”, (i) a felony offense that has as an element of the offense, the use,
1368 attempted use or threatened use of physical force against the person of another; (ii) burglary and
1369 arson; (iii) any other felony that, by its nature, involves a substantial risk that physical force
1370 against the person of another may result; (iv) a violation of an order pursuant to section 18, 34B
1371 or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15
1372 or 20 of chapter 209C; (v) a misdemeanor or felony involving abuse as defined in section 1 of
1373 said chapter 209A; (vi) a violation of section 13B of chapter 268; (vii) a third or subsequent
1374 violation of section 24 of chapter 90; (viii) a violent crime as defined in section 121 of chapter
1375 140 for which a term of imprisonment may be served; (ix) a second or subsequent offense of
1376 felony possession of a weapon or machine gun as defined in said section 121 of said chapter 140;
1377 (x) a violation of subsection (a), (c) or (m) of section 10 of chapter 269, except for a violation
1378 based on possession of a large capacity feeding device without simultaneous possession of a
1379 large capacity weapon; and (xii) a violation of section 10G of chapter 269.

1380 “Financial condition”, a secured or unsecured bond.

1381 “Judicial officer”, a judge or a clerk or assistant clerk of the superior, district, Boston
1382 municipal, juvenile, probate and family or housing court.
1383 “Personal surety”, a person who agrees, to the satisfaction of the judicial officer, to
1384 ensure the appearance of a juvenile defendant.
1385 “"Pretrial services"”, the pretrial services initiative established in section 58D.
1386 “Release order”, an order releasing a defendant on personal recognizance or on
1387 conditions, regardless of whether the defendant has satisfied any financial condition.
1388 “Risk assessment tool”, an empirically-developed uniform tool validated in the
1389 commonwealth that analyzes risk factors, created or chosen and implemented by pretrial services
1390 to produce a risk assessment classification for a defendant that will aid the judicial officer in
1391 making determinations under sections 58 to 58C, inclusive; provided, however, that a separate,
1392 empirically-developed tool may be used for juveniles.
1393 “Secured bond”, payment to the court of a specified amount of money which, in the
1394 discretion of the judicial officer, would reasonably assure the presence of a criminal defendant as
1395 required, taking into consideration the defendant’s ability to pay.
1396 “Unsecured bond”, a defendant’s promise to pay to the court a specified amount of
1397 money if the defendant does not appear before the court on a date certain; provided, however,
1398 that the unsecured bond shall be in an amount that, in the discretion of the judicial officer, would
1399 reasonably assure the presence of a defendant as required, taking into consideration the
1400 defendant’s ability to pay.
1401 (b) Upon the appearance before a judicial officer of a defendant charged with an offense,
1402 the judicial officer shall hold a hearing, at which the defendant and defendant’s counsel, if any,
1403 may participate and inquire into the case to determine whether the defendant shall be released or

1404 detained pending trial of the case as provided in this section and sections 58 to 58B, inclusive. At
1405 the hearing, the judicial officer shall have immediate access to all pending and prior criminal
1406 offender record information, board of probation records and police and incident reports related to
1407 the defendant, upon oral, telephonic, facsimile or electronic mail request, to the extent
1408 practicable. At the conclusion of the hearing, the judicial officer shall issue an order that,
1409 pending trial, the defendant shall be:
1410 (i) released on personal recognizance under subsection (a) of section 58;
1411 (ii) released on conditions under subsection (b) of said section 58;
1412 (iii) detained for failure to post secured bond necessary to assure the defendant's presence
1413 at future court proceedings under paragraph (2) of subsection (e) of said section 58;
1414 (iv) detained or released on a condition or combination of conditions under section 58A;
1415 or
1416 (v) temporarily detained for not more than 5 business days to permit revocation of
1417 conditional release under section 58B.
1418 (c)(1) A hearing under section 58 shall take place not later than the next day that the
1419 superior, district, Boston municipal or juvenile court in the appropriate jurisdiction is in session
1420 following the defendant's arrest; provided, however, that if a case involves a crime of abuse, the
1421 commonwealth shall be the only party that may move for arraignment within 3 hours of a
1422 complaint being signed by a bail magistrate or a bail magistrate's designee; and provided further,
1423 that a defendant arrested for a crime of abuse who has attained the age of criminal majority shall
1424 not be admitted to bail sooner than 6 hours after arrest except by a judge in open court.
1425 (2) A hearing under section 58A shall be held immediately upon the motion of the
1426 commonwealth unless the defendant, or an attorney for the commonwealth, seeks a continuance.

1427 Except for good cause shown, a continuance on motion of the defendant shall not exceed 5
1428 business days and a continuance on motion of the commonwealth shall not exceed 3 business
1429 days. During a continuance, the individual shall be detained upon a showing that there existed
1430 probable cause to arrest the defendant. The commonwealth may move for a hearing under said
1431 section 58A at any time before disposition of the case. Once a hearing under said section 58A
1432 has been commenced, the defendant shall be detained pending completion of the hearing.
1433 (3) In any pending case where the defendant has been initially arraigned in the district,
1434 Boston municipal or juvenile court and is being subsequently arraigned in superior court for the
1435 same or related offenses arising out of the same incident, the superior court may conduct a new
1436 hearing under section 58 or, upon motion of the commonwealth, under section 58A; provided,
1437 however, that any order of the district, Boston municipal or juvenile court concerning the
1438 defendant issued under said section 58 or 58A shall remain in effect until the superior court
1439 issues a new order under said section 58 or 58A. In any new hearing in the superior court, the
1440 judicial officer shall consider the defendant's compliance with any previously-ordered conditions
1441 of release or probation.
1442 If a defendant has posted bail in the district court and has subsequently been arraigned in
1443 the superior court for the same offense, the superior court clerk shall notify the district court
1444 clerk holding the defendant's bail of such arraignment. Upon such notification, the amount of
1445 any bail bond posted by a defendant in the district court shall be carried over to a bail bond
1446 required by the superior court. The superior court justices' discretion in setting the amount of
1447 bail shall not be affected by this paragraph.
1448 (4) Any hearing under section 58 may be reopened by the judicial officer, any hearing
1449 under section 58A or 58B may be reopened by the judge and any hearing under either said

1450 section 58, 58A or 58B may be reopened upon motion of the commonwealth or the defendant if
1451 the judicial officer or judge determines by a preponderance of the evidence that: (i) information
1452 exists that was not known to the moving party at the time of the hearing or there has been a
1453 material change in circumstances; and (ii) such information or change in circumstances has a
1454 material bearing on the issue of whether the defendant's detention or the defendant's release on
1455 conditions or the conditions imposed on the defendant are necessary and sufficient to reasonably
1456 assure the appearance of the defendant as required and the safety of any other person and the
1457 community. In any such reopened hearing, the judicial officer shall consider the defendant's
1458 compliance with any previously-ordered conditions of release.

1459 Section 58. (a) The judicial officer shall order the pretrial release of the defendant on
1460 personal recognizance, subject to the condition that the defendant not commit a new offense
1461 during the period of release, unless the judicial officer determines, in its discretion, that the
1462 release will not reasonably assure the appearance of the defendant as required or will endanger
1463 the safety of any other person or the community. Upon adoption of a risk assessment tool by the
1464 Massachusetts probation service as set forth in section 58E, the judicial officer shall consult the
1465 risk assessment tool before making a determination pursuant to this section.

1466 (b) If the judicial officer determines that the release described in subsection (a) will not
1467 reasonably assure the appearance of the defendant as required or will endanger the safety of any
1468 other person or the community, the judicial officer shall order the pretrial release of the
1469 defendant subject to the condition that the defendant not commit a new offense during the period
1470 of release and shall:

1471 (i) in order to assure the defendant's appearance, impose the least restrictive further
1472 condition or combination of conditions, in writing or orally on the record, which may include
1473 that the defendant, during the period of release, shall:
1474 (1) abide by specified restrictions on personal associations, place of abode and travel;
1475 (2) report on a regular basis to a the office of probation, a pretrial services agency or the
1476 office of community corrections;
1477 (3) refrain using alcohol and marijuana and any controlled substance without a
1478 prescription or certification by a licensed medical practitioner;
1479 (4) submit to random testing to monitor compliance with any conditions ordered pursuant
1480 to subclause (3); provided, however, that a positive test for use of marijuana shall not be
1481 considered a violation of the conditions of pretrial release unless the judicial officer expressly
1482 prohibits the use or possession of marijuana as a condition of pretrial release;
1483 (5) comply with a specified curfew or home confinement;
1484 (6) undergo medical, psychological or psychiatric treatment, including treatment for
1485 substance or alcohol use disorder, if available, and remain in a specified institution if required for
1486 that purpose;
1487 (7) submit to electronic monitoring; provided, however, that any condition of electronic
1488 monitoring shall include either specified inclusion or exclusion zones or a curfew or a
1489 combination thereof;
1490 (8) participate in pretrial programming at a community corrections center pursuant to
1491 chapter 211F; provided, however, that the defendant shall consent to such participation;
1492 (9) provide an unsecured or secured bond to satisfy a financial condition that the judicial
1493 officer may specify; provided, however, that for offenses that do not carry a penalty of

1494 incarceration, no secured bond shall be ordered unless the defendant has previously failed to
1495 appear; provided further, that no financial condition shall be imposed on a defendant under the
1496 age of criminal majority;
1497 (10) for a juvenile defendant, release to a personal surety;
1498 (11) participate in a diversion program under chapter 276A, an alternative adjudication
1499 program or a drug, mental health, veteran or other treatment court; provided, however, that the
1500 defendant shall consent to such alternative adjudication program or a drug, mental health,
1501 veteran or other treatment court; and
1502 (12) satisfy any other condition that is reasonably necessary to assure the appearance of
1503 the defendant as required; provided, however, that no condition or combination of conditions
1504 shall be imposed pursuant to clause (i) of subsection (b) that is not reasonably necessary to
1505 assure the appearance of the defendant as required; or
1506 (ii) in order to assure the safety of any other person and the community, impose the least
1507 restrictive further condition or combination of conditions, in writing or orally on the record,
1508 which may include that the defendant, during the period of release, shall:
1509 (1) refrain from abusing and harassing any alleged victims of the offense and any
1510 potential witnesses who may testify concerning the offense;
1511 (2) stay away from and have no contact with any alleged victims of the offense and
1512 potential witnesses who may testify concerning the offense;
1513 (3) refrain from possessing a firearm, rifle, shotgun, destructive device or other
1514 dangerous weapon;
1515 (4) comply with a specified curfew or home confinement;

1516 (5) refrain using alcohol and marijuana and any controlled substance without a
1517 prescription or certification by a licensed medical practitioner;
1518 (6) submit to random testing to monitor compliance with subclause (5); provided,
1519 however, that a positive test for use of marijuana shall not be considered a violation of the
1520 conditions of pretrial release unless the judicial officer expressly prohibits the use of marijuana
1521 as a condition of pretrial release;
1522 (7) undergo medical, psychological or psychiatric treatment, including treatment for
1523 substance or alcohol use disorder, if available, and remain in a specified institution if required for
1524 that purpose;
1525 (8) submit to electronic monitoring; provided, however, that any condition of electronic
1526 monitoring shall include either specified inclusion or exclusion zones or a curfew or a
1527 combination thereof; and
1528 (9) satisfy any other condition that is reasonably necessary to assure the safety of any
1529 other person and the community; provided, however, that no condition or combination of
1530 conditions shall be imposed clause (ii) of subsection (b) that is not reasonably necessary to
1531 assure the safety of any other person and the community.
1532 (c) When setting any conditions to reasonably assure the appearance of the defendant as
1533 required under clause (i) of subsection (b), the judicial officer shall consider, when relevant, the
1534 following factors concerning the defendant:
1535 (i) financial resources
1536 (ii) any results of a risk assessment tool if such tool is available as set forth in section 58E
1537 of this chapter;
1538 (iii) family ties;

1539 (iv) any record of convictions;

1540 (v) any potential penalty the defendant is facing;

1541 (vi) any illegal drug distribution charges or present drug dependence;

1542 (vii) employment records;

1543 (viii) history of mental illness;

1544 (ix) any prior flight to avoid prosecution or fraudulent use of an alias or false

1545 identification;

1546 (x) any prior failure to appear at any court proceeding to answer to an offense; and

1547 (xi) any prior violation of conditions of release or probation.

1548 (d) When setting any conditions to reasonably assure the safety of any other person and

1549 the community under clause (ii) of subsection (b), the judicial officer shall consider, when

1550 relevant, the following factors concerning the defendant:

1551 (i) any factors listed in (c)(ii)-(xi);

1552 (ii) the nature and circumstances of the offense charged;

1553 (iii) whether the defendant is on release pending adjudication of a prior charge;

1554 (iv) whether the acts alleged involve a crime of abuse as defined in section 57;

1555 (v) any history of orders issued against the defendant pursuant to section 18 or 34B of

1556 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 or 20 of

1557 chapter 209C;

1558 (vi) any specific, articulable risk that the defendant might obstruct or attempt to obstruct

1559 justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective

1560 witness or juror;

1561 (vii) whether the defendant is on probation, parole or other release pending completion of
1562 a sentence for another conviction; and
1563 (viii) whether the defendant is on release pending sentence or appeal for any conviction.
1564 (e)(1) A judicial officer shall not consider financial resources when setting any conditions
1565 to assure the safety of any other person or the community under clause (ii) of subsection (b), but
1566 may impose a financial condition on a defendant who is older than the age of criminal majority
1567 when necessary to reasonably assure the defendant's appearance as required.
1568 (2) A judicial officer shall not set bail at an amount that the defendant represent, in good
1569 faith, that he or she cannot afford unless the judicial officer finds that the defendant's risk of non-
1570 appearance is so great that no alternative, less restrictive financial or nonfinancial conditions will
1571 suffice to assure the defendant's presence at future court proceedings, and the defendant is likely
1572 to be incarcerated if convicted on the charged offense. If the judicial officer so finds, the judicial
1573 officer shall provide findings of fact and a statement of reasons for the bail decision, either in
1574 writing or orally on the record, stating: (i) that the defendant's risk of non-appearance is so great
1575 that no alternative, less restrictive financial or nonfinancial conditions will suffice to assure the
1576 defendant's presence at future court proceedings; (ii) that it is likely that the defendant will be
1577 incarcerated if convicted on the charged offense; (iii) that the judicial officer considered the
1578 defendant's financial resources and personal circumstances; and (iv) why the commonwealth's
1579 interest in the secured bond amount outweighs any likely adverse impact on the defendant's
1580 employment, education, mental health treatment, substance or alcohol use treatment and primary
1581 caretaker responsibilities.
1582 (3) A judicial officer shall not order that a defendant who is younger than the age of
1583 criminal majority be detained pretrial under this section unless the judicial officer finds that the

1584 defendant's risk of non-appearance is so great that no alternative, less restrictive condition or
1585 combination of conditions will suffice to assure the defendant's presence at future court
1586 proceedings, and the defendant is likely to be incarcerated if convicted on the charged offense. If
1587 the judicial officer so finds, the judicial officer shall provide findings of fact and a statement of
1588 reasons for the decision, either in writing or orally on the record, stating: (i) that the defendant's
1589 risk of non-appearance is so great that no alternative, less restrictive nonfinancial conditions will
1590 suffice to assure the defendant's presence at future court proceedings; (ii) that it is likely that the
1591 defendant will be incarcerated if convicted on the charged offense; (iii) that the judicial officer
1592 considered the defendant's personal circumstances, including any likely adverse impact on the
1593 defendant's employment, education, mental health treatment, substance or alcohol use treatment
1594 and primary caretaker responsibilities.
1595 (4) If after 7 calendar days from the date of an order issued under this section a
1596 defendant, other than a defendant for whom the judicial officer made findings as set forth in
1597 paragraph (2) remains detained because of an inability to satisfy a financial condition, the
1598 defendant shall, upon application, be entitled to reconsideration of the financial condition by the
1599 judicial officer of the court who initially set the financial condition, if available, or otherwise by
1600 a judicial officer of a court with jurisdiction over the offense; provided, however, that a financial
1601 condition set by a judge shall only be reconsidered by a judge. If after that review the defendant
1602 remains detained because of an inability to satisfy a financial condition, the defendant shall, upon
1603 application, be entitled to review at 30-day intervals.
1604 (5) If after 60 calendar days a defendant against whom a judicial officer made findings
1605 pursuant to paragraph (2) remains detained because of an inability to satisfy a financial
1606 condition, the defendant shall, upon application, be entitled to reconsideration of the financial

1607 condition by the judicial officer who initially set the financial condition, if available, or if
1608 unavailable, by a judicial officer of a court with jurisdiction over the offense; provided, however,
1609 that a financial condition set by a judge shall only be reconsidered by a judge. If, after such
1610 review, the defendant remains detained because of an inability to satisfy a financial condition,
1611 the defendant shall, upon application, be entitled to review at 90-day intervals.
1612 (6) If after 15 days a defendant who is younger than the age of criminal majority for
1613 whom the judicial officer made findings pursuant to paragraph (3) remains detained, the
1614 defendant shall, upon application, be entitled to reconsideration of the detention by the judicial
1615 officer who initially made the findings, if available, or if unavailable, by a judicial officer of a
1616 court with jurisdiction over the offense; provided, however, that such a finding made by a judge
1617 may only be reconsidered by a judge. If, after such review, the defendant remains detained, the
1618 defendant shall, upon application, be entitled to review at 15-day intervals.
1619 (7) If a judicial officer imposes a financial condition, the clerk of the court shall accept
1620 any money tendered in satisfaction of such financial condition during the regular business hours
1621 of that court.
1622 (f) Before ordering the release of a defendant charged with a crime against the person or
1623 property of another, the judicial officer shall comply with the domestic abuse inquiry
1624 requirements of section 56A.
1625 (g) In a release order issued under this section, the judicial officer shall:
1626 (i) include a written statement that sets forth all of the conditions to which the release
1627 shall be subject and shall be set forth in a manner sufficiently clear and specific to serve as a
1628 guide for the defendant's conduct; and

1629 (ii) if a defendant is not released on personal recognizance or unsecured bond, it shall
1630 include a written summary of the reasons for denying release on personal recognizance and
1631 unsecured bond and detailed reasons for imposing any financial condition; and
1632 (iii) advise the defendant of:
1633 (1) the consequences of violating a condition of release, including immediate arrest or the
1634 issuance of a warrant therefor, revocation of release and any potential criminal penalties the
1635 defendant may face, including penalties for intimidation of a witness under section 13B of
1636 chapter 268; and
1637 (2) if the defendant is charged with a crime of abuse, informational resources related to
1638 domestic violence which shall include, but not be limited to, a list of certified intimate partner
1639 abuse education programs located within or near the court's jurisdiction.
1640 (h) Whenever a judicial officer releases a defendant under this section, the court shall
1641 enter in writing on the court docket that the defendant was advised as required in clause (iii) of
1642 subsection (g) and that docket entry shall constitute prima facie evidence that the defendant was
1643 so informed.
1644 (i) If a defendant in a case involving a crime of abuse is released from a place of
1645 detention, the arresting police department shall make a reasonable attempt to notify the victim of
1646 the defendant's release or, if the defendant is released by order of a court, the district attorney
1647 shall make a reasonable attempt to notify the victim of the defendant's release.
1648 Section 58A. (a)(1) Upon motion of the commonwealth, a judge shall hold a hearing to
1649 determine whether any condition or combination of conditions in section 58 will reasonably
1650 assure the safety of any other person and the community in a case:

1651 (i) that involves a dangerous crime as defined in section 57 or an offense under clause (1)
1652 or (2) of subsection (b) of section 32E of chapter 94C, clause (3) or (4) of subsection (c) of said
1653 section 32E of said chapter 94C or section 32F of said chapter 94C;
1654 (ii) where the defendant has an open charge for any crime or offense listed in clause (i);
1655 (iii) where the defendant has a conviction for any crime or offense listed in clause (i),
1656 unless the defendant has not been incarcerated for a crime or offense listed in said clause (i)
1657 within the previous 10 years; or
1658 (iv) where there is a serious risk that the defendant will obstruct or attempt to obstruct
1659 justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a law
1660 enforcement officer, an officer of the court or a prospective witness or juror in a criminal
1661 investigation or judicial proceeding.
1662 (2) If after a hearing pursuant to this section the judge finds by clear and convincing
1663 evidence that no condition or combination of conditions will reasonably assure the safety of any
1664 other person and the community, the judge shall order that the defendant be detained pending
1665 trial. If the judge does not so find, the defendant shall be released pursuant to section 58 on
1666 personal recognizance or unsecured bond or on such condition or combination of conditions as
1667 the judge determines to be necessary to reasonably assure the appearance of the defendant, as
1668 required, and the safety of any other person and the community.
1669 (b)(1) At a hearing under paragraph (1) of subsection (a), the defendant shall:
1670 (i) have the right to be represented by counsel and, if financially unable to obtain such
1671 counsel, the defendant shall have counsel appointed;
1672 (ii) be afforded an opportunity to testify;

1673 (iii) be afforded an opportunity to present witnesses, to cross examine witnesses who
1674 appear at the hearing and to present information by proffer or otherwise; provided, however, that
1675 before issuing a summons to an alleged victim or a member of the alleged victim's family to
1676 appear as a witness at the hearing, the defendant shall demonstrate to the court a good faith and
1677 reasonable basis for believing that the testimony from that witness will be material and relevant
1678 to support a conclusion that there are conditions of release that will reasonably assure the safety
1679 of any other person and the community.
1680 (2) The law concerning admissibility of evidence in criminal trials shall not apply to the
1681 presentation and consideration of information at the hearing.
1682 (3) If a defendant has been released pursuant to section 58 and it subsequently appears
1683 that there are grounds for the defendant's pretrial detention under paragraph (1) of subsection (a),
1684 the commonwealth may request a pretrial detention hearing by ex parte written motion. If the
1685 court grants the commonwealth's motion, notice shall be given to the defendant and a hearing
1686 shall occur as set forth in this section.
1687 (c) In determining whether there are conditions of release that will reasonably assure the
1688 safety of any other person and the community, a judge shall take into account information
1689 available concerning:
1690 (i) the factors listed in subsection (d) of section 58;
1691 (ii) the weight of the evidence against the defendant; and
1692 (iii) the nature and seriousness of the danger to any other person and the community that
1693 would be posed by the defendant's release.

1694 Upon adoption of a risk assessment tool by the office of probation under section 58E, the
1695 judge shall consult the risk assessment tool before making a determination pursuant to this
1696 section.
1697 (d) If, after the hearing under this section, the judge determines that detention of the
1698 defendant is necessary under paragraph (2) of subsection (a), the judge shall issue an order that:
1699 (i) includes written findings of fact and a written statement of the reasons for the detention; (ii)
1700 directs that the defendant be committed to a correction facility separate, to the extent practicable,
1701 from persons serving sentences; and (iii) directs that the defendant be afforded reasonable
1702 opportunity for private consultation with counsel.
1703 If the judge releases the defendant, the order for release shall comply with section 58.
1704 (e) A defendant detained under this section shall be brought to trial as soon as reasonably
1705 possible but, in the absence of good cause, the defendant shall not be detained for more than 120
1706 days, if older than the age of criminal majority, and for a period of not more than 60 days for a
1707 defendant who is younger than the age of criminal majority, excluding any period of delay as
1708 defined in Rule 36(b)(2) of the Massachusetts Rules of Criminal Procedure. If the defendant's
1709 case has not been brought to trial or otherwise resolved by the end of that period, excluding any
1710 period of delay as defined above, the defendant shall be entitled to a de novo reconsideration of
1711 the detention order by the court that originally issued the order.
1712 (f) Nothing in this section shall be construed to modify or limit the presumption of
1713 innocence.
1714 Section 58B. (a) A defendant who has been released after a hearing pursuant to section
1715 58, 58A, 59 or 87 and who has violated a condition of release shall be subject to a revocation of
1716 release and an order of detention.

1717 (b) The judge shall enter an order of revocation and detention if, after a hearing, the judge
1718 finds that: (i) there is probable cause to believe that the defendant has committed a crime while
1719 on release or there is clear and convincing evidence that the defendant has violated any other
1720 condition of release; and (ii) there are no conditions of release that will reasonably assure the
1721 defendant will not pose a danger to the safety of any other person or the community. The judge
1722 may, in the judge's discretion, enter an order of revocation and detention if, after a hearing, the
1723 judge finds that: (i) there is probable cause to believe that the defendant has committed a crime
1724 while on release or there is clear and convincing evidence that the defendant has violated any
1725 condition of release other than committing a crime; and (ii) the defendant is unlikely to abide by
1726 any condition or combination of conditions of release.
1727 (c) If the judge issues a release order under this section, the judge may order any
1728 condition or combination of conditions of release under clause (i) and (ii) of subsection (b) of
1729 section 58.
1730 (d) Upon the defendant's first appearance before the judge that will conduct proceedings
1731 for revocation of an order of release under this section, the hearing concerning revocation shall
1732 be held immediately unless the defendant or the commonwealth seeks a continuance. During a
1733 continuance, the defendant shall be detained without bail unless the judge finds that there are
1734 conditions of release that will reasonably assure that the defendant will not pose a danger to the
1735 safety of any other person or the community and that the defendant will abide by conditions of
1736 release. If the defendant is detained without bail, a continuance on a motion of the defendant
1737 shall not exceed 5 business days, except for good cause, and a continuance on motion of the
1738 commonwealth or probation shall not exceed 3 business days, except for good cause. A
1739 defendant detained under an order of revocation and detention shall be brought to trial as soon as

1740 reasonably possible but, in the absence of good cause, a defendant shall not be detained for more
1741 than 90 days, if older than the age of criminal majority, and for a period of not more than 60 days
1742 for a defendant who is younger than the age of criminal majority, excluding any period of delay
1743 as defined in Rule 36(b)(2) of the Massachusetts Rules of Criminal Procedure. If the defendant's
1744 case has not been brought to trial or otherwise resolved by the end of the period prescribed by
1745 this section, excluding any period of delay as defined above, the defendant shall be entitled to a
1746 de novo reconsideration of the detention order by the court that originally issued the order.
1747 Section 58C. (a) A defendant who is released on conditions or detained under section 58
1748 or section 58A pursuant to an order of the district court department, the Boston municipal court
1749 department or the juvenile court department shall, upon application, be entitled to have the
1750 conditions or order of detention reviewed de novo by the superior court department on the next
1751 day that court is in session.
1752 (b) A defendant who is released on conditions or detained under section 58 or 58A or
1753 who is the subject of an order under subsection (a) pursuant to an order of the superior court
1754 department may seek relief from a single justice of the appeals court in extraordinary cases
1755 involving a clear and substantial abuse of discretion or a clear and substantial error of law.
1756 (c) A judge hearing a review pursuant to subsection (a) or (b) may consider the record
1757 below which the commonwealth and the defendant may supplement. The reviewing judge may,
1758 after a hearing on the petition for review, order that the petitioner be released on personal
1759 recognizance or on any of the conditions set forth in clause (i) and (ii) of subsection (b) of
1760 section 58 or, in the judge's discretion to reasonably assure the effective administration of
1761 justice, make any other order of recognizance or conditions, or the judge may remand the

1762 petitioner in accordance with the terms of the process by which the petitioner was ordered
1763 committed.
1764 Section 58D. (a) There shall be in the office of probation a pretrial services initiative,
1765 hereinafter referred to as pretrial services. Pretrial services shall be led by a supervisor of pretrial
1766 services. The supervisor shall be a person of ability and experience in the pretrial process who
1767 shall be chosen and appointed by the commissioner of probation.
1768 (b) Pretrial services shall perform the following duties for the departments of the trial
1769 court of the commonwealth:
1770 (i) develop, in coordination with the court and other criminal justice agencies, programs
1771 to minimize unnecessary pretrial detention and violations of conditions of release set forth in
1772 section 58;
1773 (ii) monitor the local implementation of pretrial services as provided in this section and
1774 maintain accurate and comprehensive records of pretrial services' activities;
1775 (iii) provide notification to supervised defendants of court appearance obligations and, as
1776 needed, require periodic reporting by letter, telephone, electronic communication, personal
1777 appearance or by other means designated by pretrial services to verify compliance with
1778 conditions of release;
1779 (iv) assist defendants who are released prior to trial in securing appropriate employment,
1780 medical, drug, mental or other health treatment or other needed social services that may increase
1781 the defendant's chances of successful compliance with the conditions of release;
1782 (v) prepare a formal report of new charges against defendants released on conditions and
1783 present the same to the court and to the prosecuting officer who shall aid pretrial services in
1784 presenting such violations; and

1785 (vi) perform any other duties that the commissioner of probation deems necessary to
1786 support the operation of pretrial services.
1787 (c) Pretrial services may be provided with probation staff, including community
1788 correction staff, as determined by the commissioner of probation.
1789 (d) A defendant shall not be interviewed by pretrial services unless the defendant has
1790 been apprised of the identity and purpose of the interview, the scope of the interview, the right to
1791 counsel and the right to refuse cooperation. Inquiry of the defendant shall carefully exclude
1792 questions concerning the details of the current charge. Statements made by the defendant during
1793 the interview or evidence derived therefrom shall not be admissible against the defendant in any
1794 pending criminal prosecution, including in determining the defendant's guilt or the appropriate
1795 disposition or if the defendant has violated a condition of probation or pretrial release or a
1796 condition of parole, except that such statements and evidence may be used in determining
1797 appropriate conditions of release and conditions of probation.
1798 (e) The supervisor of pretrial services shall submit annual reports to the commissioner of
1799 probation, the chief justice of the trial court, the court administrator, the chief justice of the
1800 supreme judicial court and the clerks of the senate and the house of representatives who shall
1801 forward the report to the senate and house chairs of the joint committee on the judiciary. The
1802 report shall include, but not be limited to, if available: (i) analysis on demographics of the
1803 pretrial population, including age, race and gender; (ii) appearance and default rates; (iii)
1804 conditions imposed upon release; (iv) caseload of the pretrial services initiative; (v) length of
1805 supervision; and (vi) any other analytical data deemed appropriate; provided, however, that any
1806 data included in the report shall be presented only in aggregated form so that no individual can
1807 be identified.

1808 Section 58E. (a) Subject to appropriation, pretrial services shall create or choose a risk
1809 assessment tool that analyzes risk factors to produce a risk assessment classification for a
1810 defendant that will aid the judicial officer in determining pretrial release or detention under
1811 sections 58 to 58C, inclusive. Any such tool shall be tested and validated in the commonwealth
1812 to identify and eliminate unintended economic, race, gender or other bias.
1813 The pretrial services initiative shall: (i) establish procedures for screening defendants
1814 who are presented in court for a first appearance to assist the trial court in determining any
1815 appropriate conditions of release or detention under sections 58 to 58C, inclusive; (ii) record and,
1816 to the extent possible, verify information required by the risk assessment tool; and (iii) submit a
1817 written report to the judicial officer and to all parties and counsel of record which shall include
1818 the results of the risk assessment tool, the defendant's eligibility for diversion, treatment or other
1819 alternative adjudication programs and any recommendations concerning any appropriate
1820 conditions of release or detention under said section 58 and section 58A.
1821 (b) A representative of pretrial services shall, when feasible, be available at any hearing
1822 wherein the judicial officer will be considering the pretrial services written report.
1823 (c) When ordered by the judicial officer, pretrial services shall monitor and supervise
1824 compliance with the conditions of release ordered under section 58 and, when appropriate, shall
1825 proceed under section 58B.
1826 (d) Records created concerning pretrial services, including aggregate data, shall not be
1827 considered criminal offender record information and shall be subject to the same limitations on
1828 disclosure as other records kept by the office of probation. Subject to redaction for safety and
1829 third-party considerations, an individual shall have access to their own records and information
1830 collected or created by pretrial services.

1831 (e) The trial court of the commonwealth, in coordination with pretrial services, shall
1832 develop curricula and make training opportunities available on a rolling basis to all judicial
1833 officers eligible to make decisions under sections 58, 58A, 58B and 59. The training shall
1834 include information on the risk assessment tools, risk assessment scoring and recommended
1835 supervision levels, conditions of release and any other information that the trial court or the
1836 commissioner of probation deem appropriate.
1837 Section 59. (a) If a defendant is arrested and charged with an offense, other than murder
1838 in the first or second degree or a crime of abuse or treason when the courts having jurisdiction
1839 over the offense are not in session, a bail commissioner or bail magistrate shall appear as soon as
1840 possible but not more than 6 hours after the defendant's arrest unless the defendant lacks the
1841 capacity to understand and participate in the bail proceedings; provided, however, that failure of
1842 a bail commissioner or bail magistrate to appear within the prescribed time shall not constitute
1843 grounds for dismissal of the charges against a defendant. If a defendant is charged with a crime
1844 of abuse, the bail commissioner or bail magistrate shall not appear earlier than 6 hours after the
1845 defendant's arrest but shall appear as soon as possible thereafter.
1846 (b) The bail commissioner or bail magistrate shall order the pretrial release of a defendant
1847 on personal recognizance, subject to the condition that the defendant not commit a new offense
1848 during the period of release, unless the bail commissioner or bail magistrate determines that
1849 release on personal recognizance will not reasonably assure the appearance of the defendant as
1850 required or will endanger the safety of any other person or the community.
1851 (c)(1) If the bail commissioner or bail magistrate determines that the release described in
1852 subsection (b) will not reasonably assure the appearance of the defendant as required or will
1853 endanger the safety of any other person or the community, the bail commissioner or bail

1854 magistrate may order the pretrial release of the defendant subject to the following conditions: (i)
1855 the defendant shall not commit a new offense during the period of release; and (ii) the bail
1856 commissioner or bail magistrate shall impose the least restrictive further condition or
1857 combination of conditions that the bail commissioner or bail magistrate determines will
1858 reasonably assure the appearance of the defendant as required and the safety of any other person
1859 and the community; provided, however, that such conditions may include, but shall not be
1860 limited to, orders that the defendant shall:
1861 (A) abide by specified restrictions on personal associations, places of abode or travel;
1862 (B) refrain from the use of alcohol or marijuana or any controlled substance without a
1863 prescription or certification by a licensed medical practitioner;
1864 (C) comply with a specified curfew or home confinement;
1865 (D) refrain from abusing and harassing any alleged victim of the offense and any
1866 potential witnesses who may testify concerning the offense;
1867 (E) stay away from and have no contact with an alleged victim of the offense or with
1868 potential witnesses who may testify concerning the offense;
1869 (F) refrain from possessing a firearm, rifle, shotgun, destructive device or other
1870 dangerous weapon;
1871 (G) provide unsecured or secured bond to satisfy a financial condition that the bail
1872 commissioner or bail magistrate may specify; provided, that no financial condition shall be
1873 imposed on a defendant who is younger than the age of criminal majority; or
1874 (H) satisfy any other condition that is reasonably necessary to assure the appearance of
1875 the defendant as required or the safety of any other person and the community.

1876 (2) When setting conditions under this subsection, the bail commissioner or bail
1877 magistrate shall consider, when relevant, the following factors concerning the defendant:
1878 (i) financial resources;
1879 (ii) family ties;
1880 (iii) any record of convictions;
1881 (iv) any potential penalty the defendant is facing;
1882 (v) any illegal drug distribution charges or present drug dependence;
1883 (vi) employment records;
1884 (vii) history of mental illness;
1885 (viii) any prior flight to avoid prosecution or fraudulent use of an alias or false
1886 identification;
1887 (ix) any prior failure to appear at any court proceedings to answer to an offense;
1888 (x) the nature and circumstances of the offense charged;
1889 (xi) whether the defendant is on bail pending adjudication of a prior charge;
1890 (xii) whether the acts alleged involve a crime of abuse as defined in section 57;
1891 (xiii) any history of orders issued against the defendant pursuant to section 18 or 34B of
1892 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 or 20 of
1893 chapter 209C;
1894 (xiv) any specific, articulable risk that the defendant might obstruct or attempt to obstruct
1895 justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective
1896 witness or juror;
1897 (xv) whether the defendant is on probation, parole or other release pending completion of
1898 a sentence for another conviction; and

1899 (xvi) whether the defendant is on release pending sentencing or appeal for another
1900 conviction.
1901 (d) Bail commissioners and bail magistrates shall not impose a financial condition to
1902 assure the safety of any other person and the community, but may impose a financial condition
1903 on a defendant who is older than the age of criminal majority when necessary to reasonably
1904 assure the defendant's appearance as required. If the defendant represents in good faith that the
1905 defendant lacks sufficient financial resources to post the secured bond required by the bail
1906 commissioner or bail magistrate such that the defendant will likely be detained until the next day
1907 that court is in session, the bail commissioner or bail magistrate may impose the secured bond
1908 only if the bail commissioner or bail magistrate confirms, in writing, that the bail commissioner
1909 or bail magistrate considered the defendant's financial resources and explains why the
1910 defendant's risk of nonappearance is so great that no alternative, less restrictive financial or
1911 nonfinancial conditions will suffice to assure the defendant's presence at future court
1912 proceedings.
1913 (e) Where a bail commissioner or bail magistrate orders that a defendant who is younger
1914 than the age of criminal majority be detained until the next day that court is in session because no
1915 condition or combination of conditions will reasonably assure the appearance of the defendant as
1916 required, the bail commissioner or bail magistrate shall provide findings of fact and a statement
1917 of reasons for the decision, in writing, explaining why no alternative, less restrictive condition or
1918 combination of conditions will suffice to assure the defendant's presence at future court
1919 proceedings.
1920 (f) Before issuing any release order under this section for a defendant who is released on
1921 bail pending adjudication of a prior charge or is on probation, the bail commissioner or bail

1922 magistrate shall contact the office of probation's electronic monitoring center to inform them of
1923 the defendant's arrest and charge.
1924 (g) In a release order issued under this section, the bail commissioner or bail magistrate
1925 shall advise the defendant of:
1926 (i) the consequences of violating a condition of release, including immediate arrest or
1927 issuance of a warrant therefor, revocation of release and the potential that the defendant may face
1928 criminal penalties, including penalties for intimidation of a witness under section 13B of chapter
1929 268; and
1930 (ii) if the defendant is charged with a crime of abuse, informational resources related to
1931 domestic violence which shall include, but shall not be limited to, a list of certified intimate
1932 partner abuse education programs located within or near the court's jurisdiction.
1933 (h) If the defendant in a case involving a crime of abuse is released from the place of
1934 detention, the arresting police department shall make a reasonable attempt to notify the victim of
1935 the defendant's release.
1936 (i) If a defendant is charged with a dangerous crime or a crime of abuse, the bail
1937 commissioner or bail magistrate shall order the defendant held until the next day that the court is
1938 in session if the bail commissioner or bail magistrate determines that no condition or
1939 combination of conditions will reasonably assure the appearance of the defendant as required or
1940 the safety of any other person or the community.
1941 (j) When ordering detention under subsection (d) or (e), the bail commissioner or bail
1942 magistrate shall take into account information available concerning: (i) any relevant factors listed
1943 paragraph (2) of subsection (c); (ii) the weight of the evidence against the defendant; and (iii) the

1944 nature and seriousness of the danger to any other person or the community that would be posed
1945 by the defendant's release.
1946 (k) The terms and conditions of an order by a bail commissioner or bail magistrate shall
1947 remain in effect until the defendant is brought before the court for arraignment under sections 57,
1948 58 and 58A.
1949 (l) When a bail commissioner or bail magistrate releases a defendant on conditions under
1950 subsection (c), the bail commissioner or bail magistrate shall record the conditions and provide a
1951 copy of such conditions to the defendant and the detaining authority and shall transmit a copy to
1952 the court.
1953 (m) If a defendant released on conditions by a bail commissioner or bail magistrate under
1954 subsection (c) violates any of the conditions, that violation shall be enforceable under section
1955 58B.
1956 (n) Nothing in this section shall be construed to modify or limit the presumption of
1957 innocence.
1958 (o) Bail commissioners and bail magistrates authorized to release a defendant on
1959 recognizance, release a defendant on conditions or detain a defendant under this section shall be
1960 governed by rules established by the chief justice of the trial court of the commonwealth, subject
1961 to review by the supreme judicial court.
1962 (p) Nothing in this section shall authorize a bail commissioner or bail magistrate to
1963 release a defendant who has been arrested and charged with first or second degree murder.
1964 SECTION 183. Section 61A of chapter 276 of the General Laws is hereby repealed.
1965 SECTION 184. Said chapter 276 is hereby further amended by striking out section 61B,
1966 as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

1967 Section 61B. No surety under this chapter shall be compensated for acting as surety.

1968 SECTION 185. Section 79 of said chapter 276 is hereby repealed.

1969 SECTION 186. Section 87 of said chapter 276, as appearing in the 2016 Official Edition,
1970 is hereby amended by striking out, in line 7, the figure "18" and inserting in place thereof the
1971 following words:- criminal majority.

1972 SECTION 187. Said section 87 of said chapter 276, as so appearing, is hereby further
1973 amended by striking out, in lines 14 and 15, the words "was eighteen years of age or older" and
1974 inserting in place thereof the following words:- had attained the age of criminal majority.

1975 SECTION 188. The first paragraph of section 87A of said chapter 276, as so appearing, is
1976 hereby amended by adding the following sentence:- No person placed on probation shall be
1977 found to have violated a condition of probation: (i) solely on the basis of possession or use of a
1978 controlled substance that has been lawfully dispensed pursuant to a valid prescription to that
1979 person by a health professional registered to prescribe a controlled substance pursuant to chapter
1980 94C and acting within the lawful scope of the health professional's practice; or (ii) solely on the
1981 basis of possession or use of medical marijuana obtained in compliance with and in quantities
1982 consistent with applicable state regulations if that person received a written certification from a
1983 licensed physician for the use of medical marijuana to treat a debilitating medical condition and
1984 the person possesses a valid medical marijuana registration card and if the quantity in the
1985 person's possession is not greater than the amount recommended in the physician's written
1986 certification.

1987 SECTION 189. Said section 87A of said chapter 276, as so appearing, is hereby further
1988 amended by striking out the third paragraph and inserting in place thereof the following
1989 paragraph:-

1990 The court may waive payment of the fees if it determines after a hearing that such
1991 payment would impose a substantial financial hardship on the person or the person's family or
1992 dependents. Following the hearing and upon a finding of hardship, the court may require any
1993 such person to perform unpaid community service work at a public or nonprofit agency or
1994 facility, monitored by the probation department, for not more than 4 hours per month in lieu of
1995 payment of a probation fee. A waiver shall be in effect only during the period of time that a
1996 person is unable to pay the monthly probation fee.
1997 SECTION 190. Said section 87A of said chapter 276, as so appearing, is hereby further
1998 amended by striking out the eighth paragraph and inserting in place thereof the following
1999 paragraph:-
2000 The court may waive payment of the fee if it has determined, after a hearing, that the
2001 payment would impose a substantial financial hardship on the person or the person's family or
2002 dependents. A waiver shall be in effect only during the period of time that the person is unable to
2003 pay the monthly probation fee.
2004 SECTION 191. Section 89A of said chapter 276, as so appearing, is hereby amended by
2005 striking out, in line 3, the figure "18" and inserting in place thereof the following words:-
2006 criminal majority.
2007 SECTION 192. Said chapter 276 is hereby further amended by striking out section 92, as
2008 so appearing, and inserting in place thereof the following section:-
2009 Section 92. (a) In a criminal case where the victim has suffered an actual economic loss
2010 that is causally connected to a crime for which the defendant has been convicted, has entered a
2011 plea of guilty or nolo contendere or has admitted to sufficient facts to warrant a finding of guilt,
2012 the court may order the defendant to make financial restitution to the victim for such loss as a

2013 condition of probation as set forth in this section. As used in this section, “defendant” shall
2014 include a delinquent child or youthful offender and “actual economic loss” shall mean the loss of
2015 money or property, excluding consequential damages or costs.

2016 (b) Before ordering restitution pursuant to this section, the court shall determine the
2017 appropriate length of any probationary period to be served by the defendant which shall be based
2018 on the amount of time necessary to rehabilitate the defendant and protect the public. The court
2019 shall not order a longer probationary period to enable the defendant to make restitution;
2020 provided, however, that if the court determines that there is no reason to impose probation other
2021 than to collect restitution, the court may impose a probationary period of 60 days or less for such
2022 purpose.

2023 (c) Before ordering restitution pursuant to this section, the court shall conduct an
2024 evidentiary hearing and make findings concerning: (i) the amount of actual economic loss
2025 suffered by the victim that is causally connected to the defendant's crime; and (ii) the amount of
2026 restitution that the defendant has the ability to pay monthly without causing substantial financial
2027 hardship, taking into account the defendant’s financial resources, including the defendant’s
2028 income and net assets and the defendant’s financial obligations, including the amount necessary
2029 to meet basic human needs such as food, shelter and clothing for the defendant and the
2030 defendant’s family or dependents. The defendant shall bear the burden of proving by a
2031 preponderance of the evidence an inability to pay; provided, however, that the court shall
2032 presume that a defendant under the age of criminal majority is indigent unless the court finds that
2033 the payment would not impose a substantial financial hardship on such person or the person’s
2034 family. At any such hearing, the victim may testify regarding the amount of the loss and the
2035 defendant may cross examine the victim, but such cross-examination shall be limited to the issue

2036 of restitution. The defendant may rebut the victim's estimate of the amount of loss with expert
2037 testimony or other evidence. The commonwealth shall bear the burden of proving by a
2038 preponderance of the evidence the amount of the actual economic loss suffered by the victim that
2039 is causally connected to the defendant's crime. The hearing need not address issues as to which
2040 the commonwealth and the defendant have reached an agreement that has been presented to the
2041 court, whether by written stipulation or as part of the defendant's plea of guilty or nolo
2042 contendere or admission to sufficient facts to warrant a finding of guilt. An agreement between
2043 the commonwealth and the defendant concerning the amount of the victim's actual economic
2044 loss shall be docketed by the clerk.

2045 (d) The total amount of restitution ordered by the court shall not exceed the lesser of: (i)
2046 the amount of actual economic loss suffered by the victim that is causally connected to the
2047 defendant's crime; or (ii) the amount of restitution that the defendant has the ability to pay
2048 monthly without causing substantial financial hardship, multiplied by the total number of months
2049 of probation ordered by the court in accord with subsection (b).

2050 (e) If the defendant is placed on probation with a condition that the defendant pay
2051 restitution to the victim and payment is not made at once, the court may order that the payment
2052 shall be made to the clerk of the court who shall give receipts for and keep a record of all
2053 payments made, pay the money to the person injured and keep a receipt therefor and notify the
2054 probation officer when the full amount of the money is received or paid in accordance with such
2055 order or with any modification thereof.

2056 (f) The court may modify the probation condition regarding the payment of restitution
2057 based on any material change in the defendant's financial circumstances.

2058 (g) If the court orders the defendant to make restitution under this section, the court may
2059 also issue a civil judgment in favor of the victim and against the defendant for the amount of the
2060 victim's actual economic loss that is causally connected to the defendant's crime, less the
2061 amount of restitution that the defendant has been ordered to pay. Upon the expiration or
2062 revocation of the defendant's probation, the victim or the commonwealth may, with notice to the
2063 defendant, request the court to amend the civil judgment to include any amount of restitution that
2064 the defendant has failed to pay in accord with the restitution order.
2065 (h) If the court does not order the defendant to make restitution under subsection (a), the
2066 court may, upon the request of the commonwealth, issue a civil judgment in favor of the victim
2067 and against the defendant for the amount of the victim's actual economic loss that is causally
2068 connected to the defendant's crime; provided, however, that: (i) the defendant shall have agreed
2069 to the amount of such loss as part of the defendant's plea of guilty or nolo contendere or
2070 admission to sufficient facts to warrant a finding of guilt; or (ii) the court has determined the
2071 amount of such loss after a hearing as provided in subsection (c).
2072 (i) A civil judgment issued under subsections (g) or (h) shall be enforceable by the victim
2073 or by the commonwealth acting on behalf of the victim in the same manner as any other civil
2074 judgment. In addition to the amount of the civil judgment, the victim shall be entitled to recover
2075 from the defendant reasonable attorneys' fees and costs incurred in enforcing or executing the
2076 civil judgment.
2077 (j) A civil judgment issued under subsections (g) or (h) shall be dischargeable in
2078 bankruptcy.
2079 (k) Nothing herein shall bar the victim from seeking recovery from the defendant in any
2080 other civil proceeding; provided, however, that any amount recovered by the victim pursuant to

2081 the court's restitution order or the civil judgment under subsections (g) or (h) shall be set off
2082 against any other civil claim by the victim for the same actual economic loss.
2083 SECTION 193. Section 100A of said chapter 276, as so appearing, is hereby amended by
2084 striking out, in lines 9, 14, and 21, the figure "5" and inserting in place thereof, in each instance,
2085 the following figure:- 3.
2086 SECTION 194. Said section 100A of said chapter 276, as so appearing, is hereby further
2087 amended by striking out, in lines 12, 15, and 22, the figure "10" and inserting in place thereof, in
2088 each instance, the following figure:- 7.
2089 SECTION 195. Said section 100A of said chapter 276, as so appearing, is hereby further
2090 amended by inserting after the figure "268A", in line 28, the following words:- , except for
2091 convictions for resisting arrest.
2092 SECTION 196. Said section 100A of said chapter 276, as so appearing, is hereby further
2093 amended by striking out, in line 83, the words "for employment used by an employer" and
2094 inserting in place thereof the following words:- used to screen applicants for employment,
2095 housing or an occupational or professional license.
2096 SECTION 197. Said section 100A of said chapter 276, as so appearing, is hereby further
2097 amended by inserting after the word "employment", in line 85, the following words:- or for
2098 housing or an occupational or professional license.
2099 SECTION 198. Said section 100A of said chapter 276, as so appearing, is hereby further
2100 amended by inserting after the word "employment", in line 89, the following words:- or for
2101 housing or an occupational or professional license.

2102 SECTION 199. Said section 100A of said chapter 276, as so appearing, is hereby further
2103 amended by inserting after the word “employment”, in line 92, the following words:- or for
2104 housing or an occupational or professional license.
2105 SECTION 200. Said chapter 276 is hereby amended by striking out section 100B, as so
2106 appearing, and inserting in place thereof the following section:-
2107 Section 100B. (a) A person having a record of entries of a court appearance in a
2108 proceeding pursuant to section 52 to 62 of chapter 119, inclusive, on file in the office of the
2109 commissioner of probation may, on a form furnished by the commissioner, signed under the
2110 penalties of perjury, request that the commissioner seal that file. The commissioner shall comply
2111 with such a request, provided that: (i) the court appearance or disposition, including court
2112 supervision, probation, commitment or parole, the records for which are to be sealed, terminated
2113 not less than 1 year prior to the request; (ii) said person has not been adjudicated a delinquent
2114 child or youthful offender or found guilty of a criminal offense within the commonwealth during
2115 the 1 year preceding the request, except for motor vehicle offenses in which the penalty does not
2116 exceed a fine of $550, and was not imprisoned under sentence or committed as a delinquent child
2117 or youthful offender within the commonwealth within the preceding 1 year; and (iii) the form
2118 requesting sealing includes a statement by the petitioner signed under the penalties of perjury
2119 that the petitioner has not been adjudicated a delinquent child or youthful offender or found
2120 guilty of a criminal offense in any other state, United States possession or in a court of federal
2121 jurisdiction, except for the motor vehicle offenses described in clause (ii), and has not been
2122 imprisoned under sentence or committed as a delinquent or youthful offender in any state or
2123 county during the preceding 1 year.

2124 (b) At the time of dismissal of a case, nolle prosequi, without adjudication or when
2125 imposing a sentence, period of commitment or probation or other disposition under section 58 of
2126 said chapter 119, the court shall inform all juveniles defendants in writing of their right to seek
2127 sealing under this section and, if the case ended in a dismissal, nolle prosequi, or without
2128 adjudication, the court shall order sealing of the record at the time of the disposition unless the
2129 person charged with the offense objects.
2130 (c) Records sealed under this section shall not disqualify a person in any examination,
2131 appointment or application for public service in the service of the commonwealth or any political
2132 subdivision thereof, nor shall sealed records be admissible in evidence or used in any way in
2133 court proceedings or hearings before a court, board or commission to which the person is a party,
2134 except in imposing sentence for subsequent offenses in juvenile or criminal proceedings.
2135 Notwithstanding any other provision to the contrary, the commissioner shall report sealed
2136 juvenile records to inquiring police and court agencies only as "sealed juvenile record over 1
2137 year old" and to other authorized persons who may inquire as "no record". The information
2138 contained in a sealed juvenile record shall be made available to a judge or probation officer who
2139 affirms that the person whose record has been sealed has been adjudicated a delinquent child or
2140 youthful offender or has pleaded guilty or been found guilty of and is awaiting sentence for a
2141 crime committed subsequent to the sealing of such record. That information shall be used only
2142 for the purpose of consideration in imposing sentence.
2143 SECTION 201. Section 100C of said chapter 276, as so appearing, is hereby amended by
2144 striking out, in line 23, the words "for employment used by an employer" and inserting in place
2145 thereof the following words:- used to screen applicants for employment, housing or an
2146 occupational or professional license.

2147 SECTION 202. Said section 100C of said chapter 276, as so appearing, is hereby further
2148 amended by inserting after the word “employment”, in line 26, the following words:- , housing
2149 or an occupational or professional license.
2150 SECTION 203. Section 100D of said chapter 276, as so appearing, is hereby amended by
2151 striking out the figure “17”, in line 8, and inserting in place thereof the following words:-
2152 criminal majority.
2153 SECTION 204. Said chapter 276, as so appearing, is hereby further amended by inserting
2154 after section 100D the following 3 sections:-
2155 Section 100E. For the purpose of this chapter, the words “expunge”, “expunged” and
2156 “expungement” shall mean permanent erasure or destruction of information so that the
2157 information is no longer maintained in any file or record in electronic, paper or other physical
2158 form and such that no individual or entity including, but not limited to, criminal justice agencies
2159 as defined under section 167 of chapter 6, has access to criminal offender record information
2160 related to the expunged charge or charges.
2161 Section 100F. (a) Notwithstanding section 100A or any other general or special law to the
2162 contrary, a person of any age having a record of entries of a court appearance in a proceeding
2163 pursuant to section 52 to 62 of chapter 119, inclusive, on file with the office of the commissioner
2164 of probation may, on a form furnished by the commissioner, petition that misdemeanor
2165 convictions or adjudications or misdemeanor cases ending in a dismissal, nolle prosequi or
2166 without adjudication be expunged if the offense was committed before the person reached the
2167 age of criminal majority and the person files a petition with a judge in the court in which the
2168 appearance or disposition occurred. Notice shall also be given to the office of probation. The
2169 court shall comply with such a request, provided, that: (i) the court appearance or disposition,

2170 including court supervision, probation, commitment or parole, the records of which are to be
2171 sealed, terminated not less than 3 years before the request; (ii) the petitioner has not been
2172 adjudicated a delinquent child or youthful offender or found guilty of a new criminal offense
2173 within the commonwealth during the preceding 3 years, except for motor vehicle offenses in
2174 which the penalty does not exceed a fine of $550; and (iii) the form requesting expungement
2175 includes a statement by the petitioner signed under the penalties of perjury that the petitioner has
2176 not been adjudicated a delinquent child or youthful offender or found guilty of a criminal offense
2177 in any other state, United States possession or in a court of federal jurisdiction, except for the
2178 motor vehicle offenses described in clause (ii), and has not been imprisoned under sentence or
2179 committed as a delinquent or youthful offender in any state or county during the preceding 3
2180 years. If a petition is granted by the court pursuant to this section, the clerks and probation
2181 officers of the courts in which the proceedings at issue occurred or were initiated shall expunge
2182 all records of the proceedings in their files.
2183 (b) At the time of dismissal of a case, nolle prosequi, without adjudication or when
2184 imposing a sentence, period of commitment or probation or other disposition under section 58 of
2185 said chapter 119, the court shall inform, in writing, all eligible individuals of their right to seek
2186 expungement under this section.
2187 (c) A charge that is expunged shall not disqualify a person in any examination,
2188 appointment or application for public employment in the service of the commonwealth or any
2189 political subdivision thereof, nor shall such charges and convictions be used against a person in
2190 court proceedings or hearings before a court, board or commission to which the person is a party.
2191 (d) If the court orders expungement of records, the person whose records have been
2192 expunged, when applying for employment, housing, occupational or professional licensing, may

2193 answer “no record” as to any charge expunged pursuant to this section in response to an inquiry
2194 regarding prior arrests, court appearances or criminal cases.
2195 Section 100G. If a case is sealed or expunged pursuant to section 7 of chapter 258D or
2196 section 100A, 100B, 100C, 100F or 104 of this chapter, every mention of the defendant’s name
2197 and address shall be redacted from entries in the logs maintained under section 98F of chapter
2198 41.
2199 SECTION 205. Said chapter 276 is hereby further amended by adding the following
2200 section:-
2201 Section 104. After a court appearance has reached its final disposition, including
2202 termination of court supervision, probation, commitment or parole, upon motion of the defendant
2203 and after notice to the district attorney and the commissioner of probation, who shall be given the
2204 opportunity to be heard, a court may order expungement of all records related to the court
2205 appearance if the court determines by clear and convincing evidence that expungement is in the
2206 interest of justice because: (i) the complaint was issued against the named defendant because of
2207 misidentification by law enforcement or court employees; (ii) the named defendant has no
2208 connection to the alleged criminal activity; (iii) the named defendant was prosecuted because
2209 another person impersonated the defendant or used the defendant’s name when arrested by
2210 police; (iv) there was fraud on the court related to the claim that the defendant committed the
2211 offense; or (v) there was lack of probable cause for initiation of the complaint. The court shall
2212 enter written findings of fact in response to any motion filed under this section and shall
2213 immediately provide a certified copy of the order and findings of fact to the named defendant
2214 and the commissioner of probation. Upon receipt of a certified copy of an order expunging
2215 records, the commissioner of probation shall expunge records of court appearances and case

2216 disposition in the commissioner's files and the clerk and the probation officers of the courts in
2217 which the proceedings occurred or were initiated shall expunge the records of the proceedings
2218 from their files.

2219 If the court orders expungement of the records, the person whose records have been
2220 expunged, when applying for employment, housing, occupational or professional licensing may
2221 answer "no record" as to any charge expunged pursuant to this section in response to an inquiry
2222 regarding prior arrests, court appearances or criminal cases. A charge that is expunged shall not
2223 disqualify a person in any examination, appointment or application for public employment in the
2224 service of the commonwealth or any other political subdivision thereof, nor shall such charges or
2225 convictions be used against a person in court proceedings or hearings before a court, board or
2226 commission to which the person is a party.

2227 Upon receipt of an expungement order, the state police shall expunge said cases from any
2228 records in its custody.

2229 SECTION 206. Section 1 of chapter 276A of the General Laws, as appearing in the 2016
2230 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words "certified or
2231 approved by the commissioner of probation under the provisions of section eight,".

2232 SECTION 207. Section 2 of said chapter 276A, as so appearing, is hereby amended by
2233 striking out, in lines 6 and 10, the words "18 years" and inserting in place thereof, in each
2234 instance, the following words:- criminal majority.

2235 SECTION 208. Said section 2 of said chapter 276A, as so appearing, is hereby further
2236 amended by striking out, in line 7, the words "twenty-two" and inserting in place thereof the
2237 following figure:- 26.

2238 SECTION 209. Said chapter 276A is hereby amended by striking out section 4, as so
2239 appearing, and inserting in place thereof the following section:-
2240 Section 4. In the event that an individual is charged with a violation of 1 or more of the
2241 offenses enumerated in section 70C of chapter 277, other than the offenses in subsection (a) of
2242 section 13A of chapter 265 and sections 13A and 13C of chapter 268, this chapter shall not apply
2243 to that defendant.
2244 SECTION 210. Section 5 of said chapter 276A, as so appearing, is hereby amended by
2245 inserting after the word "prosecution", in line 10, the following words:- and any victims as
2246 defined by section 1 of chapter 258B.
2247 SECTION 211. Sections 8 and 9 of said chapter 276A are hereby repealed.
2248 SECTION 212. Said chapter 276A is hereby further amended by adding the following
2249 section:-
2250 Section 12. Nothing in this chapter or chapter 276B shall be interpreted to limit or in any
2251 way govern the authority of a district attorney or a police department to divert an offender, or to
2252 require a district attorney or police department to accept an offender into a program that they
2253 operate.
2254 SECTION 213. The General Laws are hereby amended by inserting after chapter 276A
2255 the following chapter:-
2256 CHAPTER 276B.
2257 RESTORATIVE JUSTICE.
2258 Section 1. As used in this chapter, the following words shall have the following meanings
2259 unless the context clearly requires otherwise:

2260 “Restorative justice”, a voluntary process whereby the offenders, victims and members of
2261 the community collectively identify and address harms, needs and obligations resulting from an
2262 offense in order to understand the impact of that offense; provided, however, that restorative
2263 justice requires an offender’s acceptance of responsibility for their actions and supports the
2264 offender as the offender makes repair to the victim or community in which the harm occurred.
2265 “Community-based restorative justice program”, a program, which may include the
2266 parties to a case, their supporters and community members, or one-on-one dialogues between a
2267 victim and offender, established on restorative justice principles that engages parties to a crime
2268 or members of the community in order to develop a plan of repair that addresses the needs of the
2269 parties and the community.
2270 Section 2. Participation in a community-based restorative justice program shall be
2271 voluntary and shall be available to both juvenile and adult defendants. A juvenile or adult
2272 defendant may be diverted to a community-based restorative justice program at any stage of a
2273 case, beginning immediately post arraignment, with the consent of the district attorney and the
2274 victim. Restorative justice may be used as a means of disposition, with judicial approval. In such
2275 a case, if the court finds that a juvenile or adult defendant successfully completed the restorative
2276 justice program, the charge shall be dismissed. If the court finds that a juvenile or adult
2277 defendant did not successfully complete the program or is in violation of program requirements,
2278 the case shall be returned to the court in order to commence with proceedings.
2279 Section 3. A person shall not be eligible to participate in a community-based restorative
2280 justice program if that person is charged with: (i) a sexual offense as defined by section 1 of
2281 chapter 123A; (ii) an offense against a family or household member as defined by subsection (c)
2282 of section 13M of chapter 265; or (iii) an offense resulting in serious bodily injury.

2283 Section 4. Participation in a community-based restorative justice program shall not be
2284 used as evidence or as an admission of guilt, delinquency or civil liability in legal proceedings.
2285 Statements made by a juvenile or adult defendant or a victim during the course of an assignment
2286 to a community-based restorative justice program shall be confidential and shall not be subject to
2287 disclosure in any judicial or administrative proceeding; provided, however, that nothing in this
2288 section shall preclude any evidence obtained through an independent source or that would have
2289 been inevitably discovered by lawful means from being admitted at such proceedings.
2290 Section 5. There shall be a restorative justice advisory committee to review community-
2291 based restorative justice programs. The advisory committee shall consist of the following
2292 members: 1 member appointed by the senate president and 1 member appointed by the speaker
2293 of the house of representatives, who shall serve as co-chairs of the advisory committee; the
2294 secretary of public safety and security or a designee; the secretary of health and human services
2295 or a designee; the president of the Massachusetts District Attorneys Association or a designee;
2296 the chief counsel of the committee for public counsel services or a designee; the commissioner of
2297 probation or a designee; the president of the Massachusetts Chiefs of Police Association
2298 Incorporated or a designee; the executive director of the Massachusetts office for victim
2299 assistance or a designee; and 7 members appointed by the governor, 1 of whom shall be a retired
2300 Massachusetts trial court judge and 6 of whom shall be representatives of community-based
2301 restorative justice programs. Each member of the advisory committee shall serve a 6 year term,
2302 except for members appointed because of their official title, who shall be members for as long as
2303 they hold that title.
2304 The advisory committee shall monitor and assist all community-based restorative justice
2305 programs to which a juvenile or adult defendant may be diverted pursuant to this chapter. The

2306 advisory committee shall track the use of community-based restorative justice programs through
2307 a partnership with an educational institution and shall make legislative, policy and regulatory
2308 recommendations to aid in the use of community-based restorative justice programs on topics
2309 including, but not limited to: (i) qualitative and quantitative outcomes for participants; (ii)
2310 recidivism rates of responsible parties; (iii) criteria for youth involvement and training; (iv) cost
2311 savings for the commonwealth; (v) training guidelines for restorative justice facilitators; (vi) data
2312 on racial, socioeconomic and geographic disparities in the use of community-based restorative
2313 justice programs; (vii) guidelines for restorative justice best practices; (viii) appropriate training
2314 and funding sources for community-based restorative programs; and (ix) plans for the expansion
2315 of restorative justice programs and opportunities throughout the commonwealth.
2316 Annually, not later than December 31, the advisory committee shall submit a report with
2317 findings and recommendations to the governor and to the clerks of the senate and house of
2318 representatives.
2319 SECTION 214. Section 70C of chapter 277 of the General Laws, as appearing in the
2320 2016 Official Edition, is hereby amended by striking out, in line 8, the words “, chapter 119”.
2321 SECTION 215. Said section 70C of said chapter 277, as so appearing, is hereby further
2322 amended by striking out, in lines 10 and 11, the figures “13B1/2, 13B3/4, 13C, 14, 14B, 15, 15A,
2323 16, 17, 18, 19, 20, 22A, 22B, 22C, 23, 23A, 23B” and inserting in place thereof the following
2324 figures:- 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 23.
2325 SECTION 216. Said section 70C of said chapter 277, as so appearing, is hereby further
2326 amended by inserting after the figure “28”, in line 14, the following figure:- , 29.
2327 SECTION 217. Section 1 of chapter 279 of the General Laws, as so appearing, is hereby
2328 amended by inserting after the fourth sentence the following 2 sentences:-

2329 When a person is sentenced to pay a fine of any amount, or is assessed fines, fees, costs,
2330 civil penalties or other expenses at disposition of a case, the court shall inform the person that: (i)
2331 nonpayment of the fines, fees, costs, civil penalties or expenses may result in commitment to a
2332 prison or place of confinement; (ii) payment must be made by a date certain; (iii) failure to
2333 appear at such date certain or failure to make the payment may result in the issuance of a default;
2334 and (iv) if an inability to pay exists as the result of a change in financial circumstances or for any
2335 other reason, the person has a right to address the court on that inability to pay. A person may not
2336 be committed or detained on a delinquency or youthful offender case for failure to pay a fee, fine
2337 or costs.
2338 SECTION 218. Said chapter 279 is hereby further amended by inserting after section 6A
2339 the following section:-
2340 Section 6B. (a) As used in this section the following terms shall have the following
2341 meanings:-
2342 "Dependent child", a person who is younger than 18 years of age.
2343 "Primary caretaker of a dependent child", a parent with whom a child has a primary
2344 residence or a woman who has given birth to a child after or while awaiting her sentencing
2345 hearing and who expresses a willingness to assume responsibility for the housing, health and
2346 safety of that child; provided, that a parent who, in the best interest of the child, has arranged for
2347 the temporary care of the child in the home of a relative or other responsible adult shall not for
2348 that reason be excluded from the definition of "primary caretaker of a dependent child".
2349 (b) Unless a sentence of incarceration is required by law, a defendant, upon conviction,
2350 shall have the right to have the court consider the defendant's status as primary caretaker of a
2351 dependent child before imposing sentence. A defendant shall request such consideration, by

2352 motion supported by affidavit, not more than 10 days after the entry of judgment. Upon receipt
2353 of such a motion supported by affidavit, the court shall make written findings concerning the
2354 defendant's status as a primary caretaker of a dependent child and the availability of appropriate
2355 individually assessed, non-incarcerative sentence alternatives. The court shall not impose a
2356 sentence of incarceration without first making such written findings.

2357 SECTION 219. Section 35 of said chapter 279, as appearing in the 2016 Official Edition,
2358 is hereby amended by inserting after the word "shall", in line 3, the following words:- , to the
2359 extent that an individual has been assigned a fingerprint-based state identification number and
2360 that such number has been provided to the court.

2361 SECTION 220. Said section 35 of said chapter 279, as so appearing, is hereby further
2362 amended by inserting after the word "mittimus", in line 4, the following words:- the person's
2363 fingerprint-based state identification number,.

2364 SECTION 221. Section 6A of chapter 280 of the General Laws, as so appearing, is
2365 hereby amended by striking out the fourth sentence and inserting in place thereof the following
2366 sentence:- The court or justice may waive all or part of the cost assessment, the payment of
2367 which would impose a substantial financial hardship on the person convicted or the person's
2368 family or dependents.

2369 SECTION 222. Section 6B of said chapter 280, as so appearing, is hereby amended by
2370 striking out the words "18 years", in line 3, and inserting in place thereof the following words:-
2371 criminal majority.

2372 SECTION 223. Section 368 of chapter 26 of the acts of 2003 is hereby repealed.

2373 SECTION 224. The commissioner of correction and the secretary of public safety and
2374 security shall promulgate rules and regulations necessary to implement section 119A of chapter
2375 127 of the General Laws not later than 6 months after the effective date of this act.
2376 SECTION 225. Not later than July 1, 2018, the commissioner of corrections and the
2377 sheriffs shall provide a plan to the chairs of the senate and house committees on ways and means
2378 as to the resources needed to comply with section 109. The plan shall include an accounting of
2379 efforts to reduce the population in restrictive housing so as to facilitate program improvements.
2380 SECTION 226. There shall be a juvenile justice data task force to make
2381 recommendations on coordinating and modernizing the juvenile justice data systems and reports
2382 that are developed and maintained by state agencies and the courts. The task force shall consist
2383 of the following members or their designees: the chief justice of the trial court; the chief justice
2384 of the juvenile court; the secretary of health and human services; the commissioner of probation;
2385 the commissioner of youth services; the commissioner of children and families; the
2386 commissioner of mental health; the commissioner of transitional assistance; the executive
2387 director of Citizens for Juvenile Justice, Inc.; the president of the Massachusetts Society for the
2388 Prevention of Cruelty to Children; the executive director of the Children's League of
2389 Massachusetts, Inc.; the executive director to the Massachusetts District Attorneys Association;
2390 the chief counsel of the committee for public counsel services; the child advocate; the chair of
2391 the juvenile justice advisory committee; a representative of the Massachusetts Chiefs of Police
2392 Association; and 2 members appointed by the governor, 1 of whom shall have experience or
2393 expertise related to the juvenile justice system or the design and implementation of juvenile
2394 justice data systems or both and 1 of whom shall be an independent expert in state administrative
2395 data systems.

2396 The task force shall conduct not less than 1 public hearing. The task force shall analyze
2397 the capacities and limitations of the data systems and networks used to collect and report state
2398 and local juvenile caseload and outcome data. The analysis shall include the following: (i) a
2399 review of the relevant data systems, studies and models from the commonwealth and other
2400 states; (ii) identification of changes or upgrades to current data collection processes to remove
2401 inefficiencies, track and monitor state agency and court-involved juveniles and facilitate the
2402 coordination of information sharing between relevant agencies and the courts; (iii) identification
2403 of racial and ethnic disparities apparent within the juvenile justice system and ways to reduce
2404 such disparities; and (iv) any other matters which the task force determines may improve the
2405 collection and interagency coordination of juvenile justice data.
2406 The task force shall file a report on the options for improving interagency coordination,
2407 modernization and upgrading of state and local juvenile justice data and information systems.
2408 The report shall include, but not be limited to: (i) recommended additional collection and
2409 reporting responsibilities for agencies, departments or providers; (ii) recommendations for the
2410 creation of a web-based statewide clearinghouse or information center that would make relevant
2411 juvenile justice information on operations, caseloads, dispositions and outcomes available in a
2412 user-friendly, query-based format for stakeholders and members of the public, including an
2413 assessment of the feasibility of implementing such a system; and (iii) a plan for improving the
2414 current juvenile justice reporting requirements, including streamlining and consolidating current
2415 requirements without sacrificing meaningful data collection and including a detailed analysis of
2416 the information technology and other resources necessary to implement improved data
2417 collection. The report shall be filed with the clerks of the senate and the house of representatives
2418 not later than January 1, 2019, and the clerks shall forward the report to the senate and house

2419 chairs of the joint committee on the judiciary and the senate and house chairs of the joint
2420 committee on children, families and persons with disabilities.
2421 SECTION 227. There shall be a task force to evaluate how to collect fingerprint-based
2422 identification where the person against whom a complaint was issued or an indictment was made
2423 was not arrested. The task force shall consist of the following members or their designees: the
2424 secretary of public safety and security, who shall serve as chair; the chief justice of the trial
2425 court; and the president of the Massachusetts Chiefs of Police Association Incorporated. Not
2426 later than December 1, 2018, the task force shall file a report of its recommendations with the
2427 clerks of the senate and house of representatives, and the clerks shall forward the report to the
2428 senate and house chairs of the joint committee on the judiciary and the senate and house chairs of
2429 the joint committee on public safety and homeland security.
2430 SECTION 228. There shall be a task force to evaluate the advisability, feasibility and
2431 impact of raising the age of juvenile court jurisdiction to defendants younger than 21 years of
2432 age. The study shall include, but not be limited to:(i) the benefits and disadvantages of including
2433 19 and 20 year olds in the juvenile justice system; (ii) the impact of integrating 19 and 20 year
2434 olds into the under-19 population in the care and custody of the department of youth services;
2435 (iii) the ability to segregate young adults in the care and custody of the department of youth
2436 services from younger juveniles in such care; and (iv) the potential costs to the state court system
2437 and state and local law enforcement. The task force shall consider resources and facilities, if any,
2438 that could be reallocated from the adult system to the juvenile system and the advisability and
2439 feasibility of establishing a separate young adult court. The task force shall consist of the
2440 following members or their designees: the secretary of the executive office of public safety and
2441 security; the commissioner of youth services; the commissioner of the department of children

2442 and families; the commissioner of the department of correction; the commissioner of probation;
2443 the chief justice of the district court; the chief justice of the Boston municipal court; the chief
2444 justice of the superior court; the chief justice of the juvenile court department; the director of the
2445 juvenile court clinic; a designee of the Massachusetts District Attorneys Association; the chief
2446 counsel of the committee for public counsel services; 1 member appointed by the governor, who
2447 shall have expertise in the neurological development of young adults; 1 member appointed by the
2448 speaker of the house of representatives; 1 member appointed by the president of the senate; 1
2449 member appointed by the minority leader of the house of representatives; 1 member appointed
2450 by the minority leader of the senate; the executive director of Citizens for Juvenile Justice, Inc.;
2451 and the child advocate. The task force shall select a chair from its members. Not later than
2452 January 1, 2019, the task force shall file a final report with the clerks of the senate and house of
2453 representatives, and the clerks shall forward the report to the senate and house chairs of the joint
2454 committee on the judiciary and the senate and house chairs of the joint committee on ways and
2455 means.

2456 SECTION 229. Notwithstanding any general or special law to the contrary, juvenile
2457 records including, but not limited to, juvenile conviction data, juvenile arrest data or juvenile
2458 sealed record data shall not be shared with the registry of motor vehicles, except when a
2459 consequence of a sentencing decision is related to operating a motor vehicle, in which case such
2460 data may be shared by the court, probation, district attorney, law enforcement agencies, the
2461 department of criminal justice information services or any other agency or entity that lawfully
2462 possesses such records.

2463 SECTION 230. The executive office of public safety and security may issue a temporary
2464 waiver from the requirements of section 1A of chapter 263 for a defined period of time to a

2465 police department that demonstrates, upon application to the executive office, that it has
2466 inadequate resources to implement that section.
2467 SECTION 231. Notwithstanding any general or special law to the contrary, a person who
2468 is serving a sentence on the effective date of this act for an offense that required, at the time the
2469 person was sentenced on that offense, serving a minimum term of incarceration before the person
2470 became eligible for probation, parole, work release, release or deductions in sentence shall be
2471 eligible for probation, parole, work release, release and deductions in sentence if the offense, as
2472 of the effective date of this act, no longer requires serving a minimum term of incarceration
2473 before the person becomes eligible for probation, parole, work release, release or deductions in
2474 sentence.
2475 SECTION 232. Sections 39 to 39D, inclusive, and 39F of chapter 127 of the General
2476 Laws, inserted by section 109, and section 110 shall take effect on July 1, 2018.
2477 SECTION 233. Section 39E of said chapter 127, inserted by said section 109 shall take
2478 effect on January 1, 2019.
2479 SECTION 234. Sections 1, 3, 7, 8, 34, 37, 38, 43, 44, 50, the definition of "Delinquent
2480 child" in section 65, 66, 67, 69, 71, 72, 73, 74, 75, 77, 78, 79, 80, 82, 83, 85, 86, 87, 88, 89, 90,
2481 91, 92, 93, 94, 95, 96, 97, 98, 102, 103, 113, 114, 115, 129, 131, 134, 137, 138, 139, 140, 141,
2482 142, 143, 144, 164, 165, 166, 167, 168, 169, 170, 171, 172, 186, 187, 191, 192, 201, 203, 204,
2483 207, and 222 shall take effect January 1, 2019.
2484 SECTION 235. Sections 10, 52, 68, 108, 119, 125, 127, 132, 219, and 220 shall take
2485 effect on July 1, 2019.
2486 SECTION 236. Section 22 shall take effect on September 1, 2018.
2487 SECTION 237. Section 121 shall take effect on July 1, 2018.

2488 SECTION 238. Section 122 shall take effect on July 1, 2019.

2489 SECTION 239. Sections 123 and 124 shall take effect on July 1, 2020.