HOUSE DOCKET, NO. 2788 FILED ON: 1/14/2009

HOUSE . . . . . No. 1373

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to ease the transition of ex offenders..

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.

4200-0300 For the Transitional Employment Service program through the Youth Options Unlimitted Center in Boston, a division of EDIC/Boston; provided further, that all funds shall be used for operational and programmatic costs of the Transitional Employment Service program for youth under the supervision of DYS and young adult offenders under the supervision of the Suffolk County House of Corrections for the purpose of providing education and workforce training to troubled youths who may re-offend upon their release into the community $250,000

Workforce Training Fund ……100%

8910-0000 For hiring additional full-time educational staff in county correctional facilities; provided further, that this funding shall not replace any funds previously dedicated for this purpose by the Department of Corrections or county correctional facilities; provided further, that not less than $200,000 shall be dedicated to the Suffolk County House of Corrections for the

General Education Diploma (GED) program through the Boston Re-Entry Initiative……$350,000

Workforce Training Fund 100%

SECTION 2. Section 172A of chapter 6 of the General Laws, as appearing in the 2006 Official Edition, shall hereby be amended by inserting after the words "provided, however, that if a person shall be found indigent, as defined in section 27a of chapter 261, the board shall not impose a fee", the following words: -

"provided further, that no fee shall be imposed upon an individual incarcerated within a Massachusetts state or county facility who seeks to review his report for accuracy; provided further, such reports shall only be provided to an inmate free-of-charge once every three months, and not more than twice per calendar year."

SECTION 3. Section 172 of chapter 6 of the General Laws, as so appearing, is amended by striking paragraphs five and six and inserting in place thereof the following:-

"Notwithstanding any other special or general law to the contrary, the following information shall be available on a one-time basis to any person who meets the conditions set forth in clause (c): a summary, which may include conviction data that the board maintains in a standardized public format, including the custody status and placement within the correction system; provided, however, that no information shall be disclosed that identifies family members, friends, medical or psychological history or any other personal information. Under no circumstances shall this section affect the availability of criminal offender records as referenced in section 178D of Chapter 6. Any violation of the provisions for this section shall be subject to the penalties referenced in this section."

SECTION 4. Section 172 of chapter 6 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following new paragraphs:-

"Any agency or individual who requests access to criminal offender record information will be required to participate in a training session offered by the board for the purposes of accurate interpretation and understanding of such criminal offender record information. The board shall work with the executive office of public safety to determine the course content and schedule, but it shall be offered not less than once per month. The attendee at such training session shall be the person or persons charged with making hiring decisions or judging suitability for a post. Said attendee will not be required to attend a training session more than once every five years, provided that said attendee continues in that position for five years consecutively. The board may charge a nominal fee for participation in said training session, not to exceed $25 per attendee. Under no circumstances shall the information received from the board be available for sale or other financial benefit by any party authorized access.

Any violation of this section relative to collection, dissemination, sale or use shall carry a penalty of up to a $1000 or one year in the House of Corrections. The attorney general shall enforce the provisions of this section."

SECTION 5. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after paragraph (l) the following new paragraph:

(m) Tax Credit for Employers of Recently Released Inmates. Any employer employing a recently released inmate, as defined herein, shall receive a tax credit in the following amount:

(a) $2500 credit for employing a recently released inmate for at least nine months in a tax year beginning after the passage of this act;

(b) a $5000 credit for employing a recently released inmate for at least two years; or

(c) a $7500 credit for employing a recently released inmate for at least three years.

For the purposes of this section, "recently released inmate," shall mean a person released from prison within three years of being employed by said corporation.

SECTION 6. Chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after Section 38T the following section:-

Section 38U. A corporation shall be allowed a credit, as hereinafter provided, against its excise due under this chapter as follows:

(a) a $2500 credit for employing a recently released inmate for at least nine months in a tax year beginning after the passage of this act;

(b) a $5000 credit for employing a recently released inmate for at least two years;

(c) a $7500 credit for employing a recently released inmate for at least three years.

For the purposes of this section, "recently released inmate," shall mean a person released from prison within three years of being employed by said corporation.

SECTION 7. Chapter 127 is amended by adding after section 136 the following new section: -

Section 136A. Health and discharge planning.

Section 1. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Community-based providers", community health centers, health departments, and faith-based organizations that provide long-term physical, mental and emotional health.

"Discharge planning", process of providing sufficient medications and arranging for necessary follow-up health services before the inmate's release to the community.

Section 2. Discharge planning within the house of corrections shall include: (1) formal linkages between the facility and community-based organizations on behalf of an individual inmate; (2) a list of community providers that shall be provided to the inmate upon discharge; (3) formal discussions with the inmate that emphasize the importance of appropriate health follow-up and aftercare; and (4) specific health appointments and medications that are arranged for the patient at the time of release.

Discharge planning shall begin once an inmate has been incarcerated in preparation for his/her release. Correctional staff overseeing reentry programs shall be connected to comprehensive case management services provided by community-based providers in the interest of creating a comprehensive post-release care continuum.

Case managers shall begin to work with inmates and discharge planners prior to release and provide an individual assessment in order to determine needed physical and mental health services and programs, including substance abuse or mental health treatment. These assessments shall follow the inmate through his/her term of incarceration and inmates shall be encouraged to maintain the curriculum upon release.

Section 3. In order to ensure continuity of care and health services, the department of public health, in conjunction with the Suffolk county house of corrections, shall be directed to implement a pilot study within the Suffolk county house of corrections, which includes features of the Hampden county correctional center, so-called.

This pilot shall establish a "Bridge Case Manager" to assist inmates in accessing the range of services from housing and education/training to substance abuse and mental health issues. The "Bridge Case Manager" will also ensure a linkage between the inmate and most appropriate service prior to release. "Bridge Case Managers" shall be trained to provide referrals, crisis intervention and follow up with appropriate health care and social service providers to ensure the successful reintegration of exiting inmates, and shall be certified as such by the department of public health.

Essential components of discharge planning within the Suffolk county pilot program shall include:

A.)Health care services, including: 1.) scheduling of a primary care appointment at a community health center/hospital in neighborhood to which the inmate may be returning once he/she is released, 2.) provision of an application for a state-insured health insurance card to be given to the inmate upon release, 3.) links with community-based providers, such as substance abuse services, mental health providers, in order that exiting inmates may continue their own care, 4.) arrangement for a sufficient supply of current medications to last until the inmate can be seen by a community health care provider, especially in the case of inmates with chronic illnesses such as heart disease, hypertension, HIV/AIDS, Hepatitis C, and diabetes. A prescription shall be provided when appropriate.

(B) Educational training, in conjunction with One-Stop Career Centers

(C) Employment and Career counseling, in conjunction with One-Stop Career Centers

(D) Transitional housing, in conjunction with the Department of Housing and Urban Development

(E) Family Reunification, in conjunction with the department of social services and the department of youth services

SECTION 8. Section 2 of Chapter 151A of the General Laws, as so appearing, is hereby amended by inserting at the end of the fourth paragraph the following:-

"; and (d) such individual has been an inmate in a Massachusetts or county correctional facility within the last five years and has performed service with that employer for at least one year, but not more than three years, consecutively."

SECTION 9. Chapter 151B of the General laws is hereby amended by inserting in section 4, after subsection 9A, the following subsection:-

9B. For any employer, employer's agent, employment agency, educational or training institution or other entity or program doing business in the commonwealth to perform the unlawful practice of using an application form that asks the applicant if he or she has committed a felony or has been convicted of a crime regardless of the length of time passed since such conviction, or otherwise has been arrested or has been accused in the adult criminal, or the juvenile delinquency justice systems, whether by a check box or yes or no question.

SECTION 10. Section 100A of chapter 276 of the General Laws, as so appearing, is hereby amended in its first paragraph by striking, in the second sentence, clauses (1) and (2) and inserting in place thereof the following:-

"(1) that said person, if a first-time offender, had not been found guilty within the commonwealth, for a year after the end of any probation, of any criminal offense punishable by incarceration for one year or more; (2) that said person's court appearance and court disposition records, including termination of court supervision, probation or sentence for any misdemeanor occurred not less than three years prior to said request; (3) that said person's court appearance and court disposition records, including termination of court supervision, probation or sentence for any felony occurred not less than seven years prior to said request;"

and further amended in said section by striking clause (3) and inserting in place thereof the following:-

"(4) that said person had not been found guilty within the commonwealth in the ten years preceding such request of any criminal offense punishable by incarceration for one year or more"

and further amending said section by striking the number (4) and inserting in place thereof the number (5), and further amending said section by striking the number (5) and inserting in place thereof the number (6).

SECTION 11. Section 100A of Chapter 276 of the General Laws, as so appearing, is hereby amended by striking the fifth paragraph and inserting in place thereof the following paragraph:-

An application for employment used by an employer shall not inquire, nor shall an employer inquire orally, about criminal offender record information, unless said employer meets the standards for access by the criminal history systems board, as contained in section 172 of chapter 6 of the General Laws or any other section that specifically grants such access.