

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:

1 SECTION 1.

2 4200-0300 For the Transitional Employment Service program through the Youth
3 Options Unlimited Center in Boston, a division of EDIC/Boston; provided further, that all funds
4 shall be used for operational and programmatic costs of the Transitional Employment Service
5 program for youth under the supervision of DYS and young adult offenders under the
6 supervision of the Suffolk County House of Corrections for the purpose of providing education
7 and workforce training to troubled youths who may re-offend upon their release into the
8 community \$250,000

9 Workforce Training Fund100%

10 8910-0000 For hiring additional full-time educational staff in county correctional
11 facilities; provided further, that this funding shall not replace any funds previously dedicated for
12 this purpose by the Department of Corrections or county correctional facilities; provided further,
13 that not less than \$200,000 shall be dedicated to the Suffolk County House of Corrections for the

14 General Education Diploma (GED) program through the Boston Re-Entry
15 Initiative.....\$350,000

16 Workforce Training Fund 100%

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75 Section 136A. Health and discharge planning.

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

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

80 “Discharge planning”, process of providing sufficient medications and arranging for
81 necessary follow-up health services before the inmate’s release to the community.

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

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

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

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

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

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

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

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

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

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

122 Development

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

124 department of youth services

125 SECTION 8. Section 2 of Chapter 151A of the General Laws, as so appearing, is hereby

126 amended by inserting at the end of the fourth paragraph the following:-

127 “; and (d) such individual has been an inmate in a Massachusetts or county correctional

128 facility within the last five years and has performed service with that employer for at least one

129 year, but not more than three years, consecutively.”

130 SECTION 9. Chapter 151B of the General laws is hereby amended by inserting in section

131 4, after subsection 9A, the following subsection:-

132 9B. For any employer, employer’s agent, employment agency, educational or training

133 institution or other entity or program doing business in the commonwealth to perform the

134 unlawful practice of using an application form that asks the applicant if he or she has committed

135 a felony or has been convicted of a crime regardless of the length of time passed since such

136 conviction, or otherwise has been arrested or has been accused in the adult criminal, or the

137 juvenile delinquency justice systems, whether by a check box or yes or no question.

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

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

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

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

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

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

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