

HOUSE No. 1581

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to electronic monitoring for pre trial detainees..

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. Chapter 276 of the General Laws is hereby amended by adding the
2 following Section:

3 Sec. 88 Pretrial Diversion Program

4
5 The Sheriff of any county and in the case of women who are committed as pretrial
6 detainees to the Massachusetts Correctional Institution at Framingham, the commissioner of
7 correction, subject to rules and regulations established in accordance with the provisions of this
8 section, may permit a detainee, committed to a jail awaiting disposition of any criminal matter,
9 except those being held for offenses listed in this section, or may permit a person committed to
10 the jail for contempt of court, to be classified to a pretrial diversion program operated by the
11 Sheriff’s Office in the county where the court that committed the detainee is sitting.

12 The Sheriff may extend the limits of the place of confinement of a detainee for the
13 purpose of participation in this program and shall establish a classification system to determine

14 the suitability of detainees who may be potential participants in this program. A person permitted
15 to be away from the jail due to participation in this program may be accompanied by an
16 employee of the Sheriff's Office in the discretion of the Sheriff or designee of the Sheriff.

17 For the duration of their participation in the program, the detainee shall be deemed to be
18 in custody as a pretrial detainee for the purpose of receiving credit pursuant to Chapter 127
19 Section 129B and Chapter 299 Section 33A toward any sentence they may receive, and may be
20 charged with escape pursuant to Chapter 268 Section 16 should they leave the place they are
21 classified to pursuant to their participation in the program without authorization and with no
22 intent to return or should they escape from custody while they are being transported pursuant to
23 their participation in the program. Additionally for the duration of their participation in this
24 program only, the detainee may receive additional deductions from any sentence that may be
25 imposed in the case they were committed on, for participation in work, education, or treatment
26 programs designated by the Sheriff pursuant to Chapter 127 Section 129D.

27 No detainee who is charged with murder, any offense that carries the possibility of a life
28 sentence, a violation of section thirteen, 14, 15, 15A, 15B, 16, 17, 18, 18A, 19, 20, 21, 24B, 25,
29 or section 26 of chapter 265, or section 17, 34, or 35, of chapter two hundred and seventy-two, or
30 for an attempt to commit any crime referred to in said sections shall be eligible to participate in
31 the program. No sex offender, or sexually dangerous person as defined in section 1 of chapter
32 123A, or any person who is charged with committing a sexual offense as defined in said section
33 1, or any person who violates section 24B of chapter 265 shall be eligible to participate in this
34 program.