

HOUSE No. 1727

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to incarceration and its impact on public safety..

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. For five years, commencing immediately upon passage of this act, there
2 shall be no appropriation or expenditure of monies for the planning, site search, promotion,
3 design, acquisition, lease, or construction of new county jails, houses of corrections, or prisons,
4 or for the expansion of existing county jails, houses of corrections, or prisons. .

5 SECTION 2. (a)There shall be established a special commission relative to the system of
6 incarceration in the Commonwealth. The study of this special commission includes, but is not
7 limited to:

8 1) Review of current practices and policies, including disparate treatment of persons of
9 low income and racial minorities as it relates to rates of arrest, setting of bail, sentencing, parole,
10 access to treatment and reentry services, recidivism, and allegations of human rights violations,
11 inhumane treatment, and suicides

12 2) Review of current practices and policies, including treatment of persons of low income
13 and racial minorities, as they relate to rates of arrest, setting of bail, sentencing, parole, access to

14 treatment and reentry services, recidivism, and allegations of human rights violations, inhumane
15 treatment, and suicides

16 3) Review of treatment of persons of low income and racial minorities

17 4) Investigate causes and impact of overcrowding

18 5) Evaluation of the cost-effectiveness of both corrections-based and community-based
19 substance abuse treatment and mental health services on levels of incarceration and recidivism

20 6) Review the impact of funding and budget cuts in affordable housing and anti-poverty
21 programs on crime and incarceration rates

22 7) Review criminal drug sentencing policies and rates of incarceration, and possible
23 sentencing and/or treatment alternatives

24 8) Prevalence of incarcerated individuals with mental illness and substance abuse
25 conditions, and evaluation of possible alternatives to sentencing

26 9) Identify alternatives to current sentencing practices, particularly for non violent
27 offenders

28 10) Conduct an economic analysis of the cost of incarceration

29 (11) Conduct an economic analysis of the 'public safety' effectiveness of incarceration

30 (12) Review of the expedience of case processing in the criminal justice system, its
31 impact on the length of pre-trial detention

32 (13) Review of re-entry programs, and effectiveness in reducing recidivism

- 33 (b) The commission shall be composed of twenty-two members, as follows:
- 34 One representative selected by each of the following:
- 35 -City School, Prison Empowerment Project
 - 36 -Criminal Justice Policy Coalition
 - 37 -Department of Corrections, appointment shall be a former superintendent with a record
38 of seeking a reduced inmate population and alternatives to incarceration
 - 39 -Department of Mental Health, appointment shall be a mental health professional with
40 experience in Post Incarceration Syndrome and community mental health
 - 41 -Department of Public Health
 - 42 -Freedom Center
 - 43 -Harvard School of Law
 - 44 -Healthcare for Human Beings
 - 45 -Human Rights Watch
 - 46 -INCITE! Women of Color Against Violence
 - 47 -Jericho Boston, with a second appointment to be an incarcerated/formerly incarcerated
48 person or family member of incarcerated persons
 - 49 -Law Enforcement Against Prohibition
 - 50 -Massachusetts Correctional Legal Services

51 -National Center on Institutions and Alternatives

52 -National Association on Mental Illness

53 -Out Now

54 -Statewide Harm Reduction Coalition, with a second appointment to be an
55 incarcerated/formerly incarcerated person or family member of incarcerated persons

56 -Through Barbed Wire

57 -University of Massachusetts, expert in the field of economics

58 -University of Massachusetts, expert in the field of psychiatry

59 Nominating organizations shall be encouraged to select commission members of diverse
60 racial, gender, ethnic, religious, age, ability, sexual orientation and socio-economic backgrounds
61 from throughout the commonwealth.

62 The commission shall elect from among its members a chair. The chair of the
63 commission may designate members of the commission as chairs of subcommittees with
64 approval from the commission.

65 (c) Members shall not be compensated for their service but may be reimbursed for
66 necessary expenses incurred in the performance of their duties. The Executive Office of Health
67 and Human Services shall provide staff and other resources to the commission to enable it to
68 carry out its work and may request a supplemental appropriation to reimburse the department for
69 the costs associated with the work of the commission.

70 (d) The special commission shall have two years upon passage of this act to conduct
71 necessary study and investigation. The commission shall hold a minimum of five public
72 hearings in various locations throughout the state.

73 (e) The special commission shall submit draft findings and recommendations for a sixty-
74 day public comment period and public hearing, after which a final report shall be issued to the
75 Governor, the Speaker of the House of Representatives, the Senate President, the Joint
76 Committee on Public Safety and Homeland Security, the Joint Committee on Mental Health and
77 Substance Abuse, and the Chief Justice of the Supreme Judicial Court. The special commission
78 shall have the authority to recommend and file legislation with the Clerk of the House of
79 Representatives and the Clerk of the Senate.

80 (f) The special commission shall dissolve upon completion of its duties and obligations, as
81 indicated by submission of its final findings and recommendations.