SENATE DOCKET, NO. 1961 FILED ON: 1/15/2009

SENATE . . . . . No. 1671

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to enhance inter-agency cooperation within the juvenile criminal justice system..

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. Chapter 12 of the General Laws, as appearing in the 2006 General Edition, is hereby amended by adding the following sections at the end thereof:

Section 32 (f): Any such community based juvenile justice program task force, operated by a district attorney, which seeks to obtain or to share information with any other office, agency, or individual, including but not limited to schools and local law enforcement representatives, probation and court representatives, the department of social services, department of youth services and department of mental health, shall

(i) be limited to court-involved juveniles or youth who are charged or adjudicated delinquent under the provisions of chapter 119 or as a youthful offender;

(ii) be undertaken only with the stated goal of diverting the juvenile or accused youth from further court adjudicatory proceedings and/or from any custodial sentencing proceedings;

(iii) be undertaken only after the compilation of district-wide services directories, which shall be public records, to assure public access to information concerning the availability of and

access to community-based rehabilitative services, including but not limited to after-school programs, residential treatment and other programs, mental health and substance abuse services, and specifically any and all community-based programs and services administered or operated by the office of the district attorney, whether by state or federal or other appropriation or granting mechanism.

(iv) be undertaken in order to prepare and implement an individualized service plan for the child or youth. Such service plan shall be in writing, and a copy shall be provided to the child or youth and/or his or her parent(s) or guardian(s) and to any attorney or representative duly authorized by the young person or parent or guardian. Such plan shall include specific information and direction concerning its implementation by the persons or offices responsible for providing services. Any such plan shall be reviewed and its implementation evaluated at sixty-day intervals by the office of the district attorney, the service-provider(s), and the child and family and their attorney or other representative.

Section 32(g): No information, documents, statements or materials, in whatever form, which are acquired by or generated by any such community-based juvenile justice program task force shall be used or in any way utilized by the office of the district attorney to initiate the prosecution of a child or youth. In any delinquency, youthful offender, or other criminal proceeding in which defense counsel moves for discovery, the commonwealth shall make available to the defense all requested information concerning the conduct of any community-based juvenile justice program task force to allow the full presentation of evidence at a hearing on any motions to dismiss the charges or suppress evidence as the result of any alleged violation of this section.