HOUSE DOCKET, NO. 1587 FILED ON: 2/18/2011

HOUSE . . . . . No. 3359

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato Manuel deMacedo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An act relative to funding for prosecutors and public defenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Viriato Manuel deMacedo	*1st Plymouth*	*2/18/2011*
Shaunna O'Connell	*3rd Bristol*	*2/18/2011*
Sheila C. Harrington	*1st Middlesex*	*2/18/2011*
Elizabeth A. Poirier	*14th Bristol*	*2/18/2011*
Bradley H. Jones, Jr.	*20th Middlesex*	*2/18/2011*
Benjamin B. Downing	*Berkshire, Hampshire, Franklin and Hampden*	*2/18/2011*

HOUSE DOCKET, NO. 1587 FILED ON: 2/18/2011

HOUSE . . . . . No. 3359

By Mr. deMacedo of Plymouth, a petition (accompanied by bill, House, No. 3359) of Viriato Manuel deMacedo and others relative to determining caseloads and funding for prosecutors and public defenders. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act relative to funding for prosecutors and public defenders.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding the provisions of any general or special law to the contrary, on or before October 1, 2012, the chief justice of the administrative office of the trial court shall submit to the secretary of the executive office of administration and finance, the chairpersons of the house and senate committees on ways and means, the chief counsel of the committee for public counsel services, hereinafter referred to as CPCS and the executive director of the Massachusetts District Attorneys Association a report indicating the number of all criminal and delinquency cases initiated in the courts of the commonwealth during fiscal year 2011, delineated as follows: the number of criminal cases filed in the district courts and in the Boston municipal court; the number of youthful offender and delinquency cases filed in the juvenile courts; the number of criminal cases filed in the superior courts and, of those cases, how many were cases charging murder or manslaughter; and the number of petitions filed by the commonwealth in superior court seeking the commitment of a respondent as a sexually dangerous person under chapter 123A of the General Laws. For purposes of this section the term “case” shall mean 1 defendant

with 1 set of related criminal charges. The report shall indicate, of those cases or petitions, the number where the commonwealth was represented by an assistant district attorney. The report shall also indicate, of those cases or petitions, the number where the defendant was represented by a public defender employed by the CPCS and the number where the defendant was represented by a private attorney employed by the CPCS.

In determining budgets for fiscal year 2013 and each fiscal year thereafter, the executive office of administration and finance and the house and senate committees on ways and means shall weight all cases as follows: each district court criminal case and juvenile delinquency case shall be counted as 1; each petition seeking a commitment under chapter 123A of the General Laws shall be counted as 3; each superior court criminal case shall be counted as 3; and each homicide or manslaughter case shall be counted as 4. From these weights there shall be determined a caseload ratio for the district attorneys and the CPCS. On or after January 1, 2013, in no event shall the annual total appropriation, including supplemental funding, for the district attorneys or the criminal caseload of the CPCS exceed this ratio by more than 10 per cent.