

SENATE No. 731

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 management of the probation department.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Cynthia S. Creem

Sonia Chang-Diaz

James B. Eldridge

SENATE No. 731

By Ms. Creem, a petition (accompanied by bill, Senate, No. 731) of Cynthia S. Creem, Sonia Chang-Diaz and James B. Eldridge for legislation to manage the probation department. The Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act relative to management of the probation department.

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. Clause (xxiii) of the third paragraph of section 9 of chapter 211B
2 of the General Laws is hereby amended by striking said clause in its entirety and replacing it
3 with the following: (xxiii) (a) notwithstanding any general or special law to the contrary, the
4 chief justice for administration and management may, for the period July first through April
5 thirtieth of any fiscal year, transfer funds from any item of appropriation of any trial court
6 department, including the probation department, to any other item of appropriation within the
7 trial court; provided, that said transfers shall be made in accordance with schedules submitted to
8 the house and senate committees on ways and means; provided further, that no such transfer shall
9 occur until 10 days after the revised funding schedules have been submitted in written form to
10 the house and senate committees on ways and means; provided further, that said schedules shall
11 include (1) the reasons for the necessity of such transfers with reference to actual and projected
12 expenditures throughout the trial court for the fiscal year, (2) the amount of money transferred

13 from any item of appropriation to any other item of appropriation, and (3) the date on which the
14 transfer shall be completed.

15 SECTION 2. Section 6 of chapter 218 of the General Laws, as so appearing, is
16 hereby amended by striking out, in lines 54 and 55, the words“ , further, that the commissioner
17 of probation” and inserting thereof the following words: “further, that the commissioner of
18 probation, subject to approval by the chief justice for administration and management.

19 SECTION 3. Chapter 276 of the General Laws is hereby amended by striking
20 out section 83, as so appearing, and inserting in place thereof the following section:

21 Section 83. Subject to appropriation, the commissioner of probation, subject to
22 the approval by the chief justice for administration and management, may appoint, dismiss and
23 assign such probation officers to the several sessions of the trial court as he deems necessary. In
24 a court having 2 or more probation officers, the commissioner, subject to the approval of the
25 chief justice for administration and management, may designate 1 probation officer to serve as
26 chief probation officer and may designate other probation officers to serve as assistant chief
27 probation officers, as he deems necessary for the effective administration of justice; provided,
28 however, that the commissioner may suspend or discipline any such probation officer, who may
29 appeal such suspension or discipline to the chief justice for administration and management or
30 the commissioner may recommend the discharge of a probation officer to the chief justice for
31 administration and management and the chief justice may discharge the probation officer after a
32 hearing. The compensation of probation officers in the trial court shall be paid by the
33 commonwealth according to schedules established in section 99B or in an applicable collective
34 bargaining agreement.