HOUSE DOCKET, NO. 431 FILED ON: 1/11/2013

HOUSE . . . . . No. 2156

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 Resolve establishing the Massachusetts Correction Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/11/2013*
Ellen Story	*3rd Hampshire*	*1/11/2013*
Denise Andrews	*2nd Franklin*	*1/28/2013*
Ruth B. Balser	*12th Middlesex*	*1/30/2013*
Marcos A. Devers	*16th Essex*	*1/28/2013*
Patricia D. Jehlen	*Second Middlesex*	*1/31/2013*
Byron Rushing	*9th Suffolk*	*2/1/2013*
Carl M. Sciortino, Jr.	*34th Middlesex*	*1/31/2013*
Timothy J. Toomey, Jr.	*26th Middlesex*	*1/11/2013*

HOUSE DOCKET, NO. 431 FILED ON: 1/11/2013

HOUSE . . . . . No. 2156

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2156) of Kay Khan and others relative to establishing a special commission to study, review and report on activities of the Department of Correction. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1559* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act Resolve establishing the Massachusetts Correction Commission.

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. Notwithstanding any general or special law to the contrary, the Governor shall convene the Massachusetts Correction Commission to be known hereinafter as "the commission." The commission shall be assigned to the executive office of public safety for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the executive office of public safety. The commission shall consist of the secretary of public safety or a designee; the commissioner of probation or a designee; the chairman of the parole board or a designee; the commissioner of mental health or a designee; the commissioner of mental retardation or a designee; the commissioner of public health or a designee, ex officiis. The president of the senate shall appoint 2 members; the speaker house of representatives shall appoint 2 members. The governor shall appoint 6 members from the following categories: a person to chair the commission who has experience in state government; a district attorney; a public defender; a sheriff; an expert on prisoner re-entry; and a corrections policy expert. The following organizations shall each make one appointment to the commission: the Women's Bar Association shall appoint an attorney with experience in women's prison issues; the Massachusetts Association of Health Plans shall appoint a health care expert; the National Alliance for the Mentally Ill shall make one appointment; the Massachusetts Taxpayers Foundation shall make one appointment; and Massachusetts Correctional Legal Services shall make one appointment.

The terms of the members appointed shall be three years, except that of the first appointed members seven shall be appointed for a term of two years, seven shall be appointed to a term of three years, the chairperson shall be appointed for a term of three years. In the first year of appointments, the governor, in consultation with the chairperson, shall determine which members shall serve which terms.

No member of the commission shall be appointed to serve more than two consecutive three-year terms. Upon the expiration of the term of an appointed member, the successor shall be appointed in a like manner for three years. A member ex officio shall not be entitled to vote on any matter before the committee.

Members of the commission shall receive no compensation but each member shall be reimbursed by the commonwealth for necessary expenses incurred in the performance of his or her official duties. The commission shall adopt bylaws to govern its own proceedings. Said bylaws shall be submitted for approval by the house and senate committees on post-audit and oversight, the joint committee on public safety and homeland security and the joint committee on the judiciary.

SECTION 2. The commission shall have the following duties:

(a) It shall study the medical services, including mental health and substance abuse treatment services, and educational, vocational, employment and rehabilitation programs available to prisoners;

(b) It shall report annually to the house and senate committees on ways and means and post-audit and oversight, the joint committee on public safety and homeland security and the joint committee on the judiciary on the allocation of resources, specifically fixed and operating costs of any new and preexisting facilities, assets, or personnel utilized by the department of correction. It shall make recommendations regarding how to allocate such resources in the most efficient and useful manner for both the taxpayer and the offender. It shall recommend innovative approaches to resolving present and future issues in criminal justice to promote public safety by, but not limited to, modernizing existing facilities, developing alternative sentencing methods to reduce prison overcrowding, reduce recidivism, and improve rehabilitation.

(c) It shall routinely monitor the financial status of the department of correction to assure that the department is managing revenue, state, federal and grant monies used for the operation of the department, and any applicable bond proceeds responsibly and in accordance with law and established policy;

(d) Annually, each correctional institution of the commonwealth shall be visited by at least one member of the commission. Every member of the commission shall visit at least one correctional institution of the commonwealth annually;

(e) It shall report on the general state of correctional facilities, the administration of correctional policy and practices, the living conditions of inmates therein, the general state of working conditions for department of correction employees and, where appropriate, the impact of department of correction policies and inmate living conditions upon rates of recidivism and over-classification;

(f) It shall provide public education on corrections and criminal justice issues;

(g) It may review any existing or proposed regulations promulgated or under consideration by the department of correction;

(h) It shall issue public reports annually to the department of correction, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and post-audit and oversight and the Joint Committee on the Judiciary;

(i) It shall advocate on behalf of any recommended reform that should be adopted by the commonwealth;

(j) It shall advise the commissioner of the department of correction on policy development and priorities for department of correction facilities as well as on the department's compliance with legislative and judicial mandates;

(k) It shall meet at least 6 times per year upon the call of the chairperson, and other meetings may be called by the chairperson upon giving at least 7 days' notice to all members and the public. Emergency meetings may be held without any notice upon the request of a majority of all voting members;

(l) All meetings of the commission shall be open to the public and announced through public notice at least 7 days prior to the meeting date. All inmates housed within department of correction facilities shall be notified of said meetings at least 7 days prior to the meeting date. The commission shall accept written testimony in the event any individual is unable to attend the meeting.

(m) A majority of the voting membership of the commission shall constitute a quorum at any meeting of the commission. An action of the commission is not binding unless the action is taken pursuant to an affirmative vote of a majority of voting members present, but not fewer than 8 voting members of the commission must be present, and the vote must be recorded in the minutes of the meeting;

(n) The chairperson shall cause to be made a complete record of all the proceedings of the commission, which record shall be open for public inspection;

(o) It shall hold semi-annual public hearings. Notice of said public hearings shall be issued at least one month prior to the date of the hearing and shall include information regarding

the time and place of the hearing. Notice of said hearing shall also be posted in a public location in all department of correction facilities and distributed to all inmates of said facilities. Accommodations shall be made for inmates in the department of correction facilities to testify before the commission at said public hearings utilizing the most current technology. Written testimony shall be accepted by the commission as well;

(p) It shall appoint an executive director or full time equivalent. The executive director or full time equivalent shall have the authority to hire support staff as necessary.

SECTION 3. Pursuant to section 63 of chapter 3 of the General Laws, the house and senate committees on post-audit and oversight of the general court in cooperation with the joint committee on public safety and homeland security and the joint committee on the judiciary shall have authority to review regulations proposed or adopted by the department of correction. The house and senate Committees on post-audit and oversight may hold public hearings concerning a proposed or existing regulation and may submit to the department of correction comments concerning the merit and appropriateness of the regulations to be promulgated and an opinion whether the regulations are authorized by, and consistent with, these chapters. The department of correction shall respond in writing within 10 days to the house and senate committees on post-audit and oversight written questions relevant to the committee's review of a proposed or existing regulation. The department of correction shall provide to the house and senate committees on post-audit and oversight, without charge, copies of all public records in the department of correction's custody relating to the regulation or action in question within 10 days of a request by the house and senate committees on post-audit and oversight. The house and senate committees on post-audit and oversight may issue reports with proposed changes to a proposed or existing regulation and shall transmit this report to the department of correction. If the department of correction does not adopt the proposed changes contained in the house and senate committees on post-audit and oversight’s reports, the department of correction shall notify the committee in writing of the reasons why it did not adopt the changes either at the time it adopts a proposed regulation or within 21 days of receiving the committee's report on an existing regulation.

SECTION 4. There is hereby appropriated $200,000 from the executive office of public safety for the establishment, operation, and management of said commission.