

SENATE No. 2216

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Thursday, April 7, 2016

The committee on Ways and Means, to whom was referred the Senate Bill relative to the use of community corrections for pre-trial detainees and criminal defendants (Senate, No. 1275),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title.

For the committee,
Karen E. Spilka

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An Act relative to the use of community corrections for pre-trial detainees and criminal defendants.

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. Section 1 of chapter 211F of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following 2 definitions:-

3 “Pretrial services plan”, a written proposal submitted to the executive director for
4 approval and funding as a pretrial services program.

5 “Pretrial services program”, any program that is operated by a state, local or private
6 service agency, that the office of community corrections has deemed appropriate for an
7 individual awaiting trial.

8 SECTION 2. Section 2 of said chapter 211F, as so appearing, is hereby amended by
9 inserting after the word “of”, in line 3, the following words:- pretrial services programs and.

10 SECTION 3. Said section 2 of said chapter 211F, as so appearing, is hereby further
11 amended by inserting after the word “developing”, in line 5, the following words:- pretrial
12 services programs and.

13 SECTION 4. Said section 2 of said chapter 211F, as so appearing, is hereby further
14 amended by inserting after the word “corrections”, in line 9, the following words:- and pretrial
15 services.

16 SECTION 5. Said chapter 211F is hereby amended by inserting after section 3 the
17 following section:-

18 Section 3A. (a) Participation in a pretrial services program may be ordered by the court,
19 in lieu of bail or as a condition of release consistent with sections 57, 58 and 58A of chapter 276.
20 The court may dictate the duration and conditions of the pretrial services program. Any
21 conditions should be imposed to ensure the return of the defendant to court. Successful
22 completion of an imposed pretrial services program shall provide for deduction in time from the
23 sentence imposed by the court, if a person is convicted of the offense for which the pretrial
24 services program was imposed.

25 (b) The probation department may utilize pretrial services programs for pretrial
26 supervision consistent with sections 87 and 87A of chapter 276, upon agreement by the person
27 before the court who is charged with an offense or crime.

28 (c) An individual held in jail may be released to probation to enter a pretrial services
29 program upon the agreement of the commissioner of probation and the sheriff who has custody
30 of the individual.

31 (d) Placement of an individual in a pretrial services program shall require victim
32 notification as required under subsection (t) of section 3 of chapter 258B.

33 SECTION 6. Section 4 of said chapter 211F, as appearing in the 2014 Official Edition, is
34 hereby amended by inserting after the word “plans”, in line 3, the following:- and pretrial
35 services plans.

36 SECTION 7. Section 5 of said chapter 211F, as so appearing, is hereby amended by
37 inserting after the word “commitments”, in line 10, the following words:- , reducing pretrial
38 detention and increasing the court appearance rate.

39 SECTION 8. Only individuals held in jail beginning on or after the effective date of this
40 act shall be eligible for a pretrial services program under subsection (c) of section 3A of chapter
41 211F.