HOUSE DOCKET, NO. 2751 FILED ON: 1/20/2017

HOUSE . . . . . No. 2268

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 a person's failure to appear in court due to enrollment in rehabilitation or detoxification facility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Diana DiZoglio	*14th Essex*	*1/20/2017*
Jason M. Lewis	*Fifth Middlesex*	*1/20/2017*
Colleen M. Garry	*36th Middlesex*	*1/20/2017*
Juana B. Matias	*16th Essex*	*1/20/2017*
Michael O. Moore	*Second Worcester*	*1/20/2017*
James B. Eldridge	*Middlesex and Worcester*	*1/20/2017*
Chris Walsh	*6th Middlesex*	*1/20/2017*

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HOUSE . . . . . No. 2268

By Ms. DiZoglio of Methuen, a petition (accompanied by bill, House, No. 2268) of Diana DiZoglio and others relative to the failure to appear in court due to enrollment in rehabilitation or detoxification facilities. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to a person's failure to appear in court due to enrollment in rehabilitation or detoxification facility.

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 227 of the General Laws is hereby amended by adding the following section:-

Section 18. No warrant or capias shall be issued for the arrest of a person who fails to appear at a civil proceeding or hearing that they are otherwise required to attend due to the person's active enrollment in an inpatient drug or alcohol rehabilitation or detoxification facility, where the person's active enrollment is verified by the facility; provided, that prior to the date of the proceeding or hearing, the person submits such verification of enrollment to the court with a request for a new court date. A new court date shall be scheduled by the court upon verification of the person's active enrollment from the facility, for a date after the person is scheduled to be released from the facility. A person who fails to appear at a proceeding or hearing for the reason set forth in this section shall not be in contempt of court.

SECTION 2. Section 26 of said chapter 276 , as appearing in the 2014 Official Edition, is hereby amended by adding the following sentence:- For purposes of this section, it shall be deemed reasonable cause if a person so summoned was unable to appear before the court due to their active enrollment in an inpatient drug or alcohol rehabilitation or detoxification facility, and the person's active enrollment is verified by the facility.

SECTION 3 . Chapter 276 of the General Laws is hereby amended by inserting after section 26 the following section:-

Section 26A. No warrant or capias shall be issued for the arrest of a person who fails to appear at a criminal proceeding or hearing that they are otherwise required to attend due to the person's active enrollment in an inpatient drug or alcohol rehabilitation or detoxification facility, where the person's active enrollment is verified by the facility; provided, that prior to the date of said proceeding or hearing, the person submits such verification of enrollment to the court with a request for a new court date. A new court date shall be scheduled by the court upon verification of the person's active enrollment from the facility, for a date after the person is scheduled to be released from the facility. A person who fails to appear for the reason set forth in this section shall not be in contempt of court.

SECTION 4. Section 82A of said chapter 276 , as appearing in the 2014 Official Edition, is hereby amended by adding the following paragraph:- For purposes of this section, it shall be deemed a sufficient excuse if said person was unable to appear in court due to their active enrollment in an inpatient drug or alcohol rehabilitation or detoxification facility, and the person's active enrollment is verified by the facility.