HOUSE DOCKET, NO. 3359 FILED ON: 1/20/2017

HOUSE . . . . . No. 3032

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 to fund youth courts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Antonio F. D. Cabral	*13th Bristol*	*1/20/2017*
Robert M. Koczera	*11th Bristol*	*1/20/2017*

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HOUSE . . . . . No. 3032

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3032) of Antonio F. D. Cabral and Robert M. Koczera for legislation to establish the youth court fund. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to fund youth courts.

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 29 of the General Laws is hereby amended by inserting after section 2EEEE the following section:-

"Section 2FFFF. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Youth Court Fund. The fund shall be credited the portion of any proceeds received by the Commonwealth pursuant to section 6D of chapter 280 of the General Laws and shall be administered in accordance therewith by the secretary of public safety and shall not be subject to further appropriation. The state treasurer shall be treasurer and custodian of the fund, shall have the custody of its moneys and shall disperse the moneys according to the request of the secretary of public safety and security. Moneys deposited in the fund shall be used solely for the administration of the provisions of section 6D of said chapter 280."

SECTION 2. Chapter 280 of the General Laws is hereby amended by inserting after section 6C the following section:-

"Section 6D. (a) Notwithstanding section 6 of chapter 280 of the General Laws, the district attorneys in the districts set forth in section 13 of chapter 12 of the General Laws may request that a justice adopt and incorporate by reference the assessment provided in subsection (c) as a penalty for a crime. Assessments collected by a clerk of the district or superior court pursuant to this section shall be deposited in the Youth Court Fund, pursuant to section 2FFFF of chapter 29 of the General Laws, for the purpose of providing grants to subsidize the operation and administration of youth courts, as provided in this section; provided, however, that moneys collected pursuant to this subsection in excess of $2,000,000 per year shall be deposited in the General Fund, pursuant to section 8 of this chapter.

(b) For the purposes of this section, 'youth court' means any administrative forum, organized as a non-profit entity, whereby first-time juvenile offenders that have committed misdemeanor crimes are given sanctions based on the recommendation of similarly aged volunteers.

(c) A justice of a district or superior court may, at the request of a district attorney, impose a sum of up to $5 to be paid by every person—

(1) who pleads guilty or nolo contendre to or is convicted of a violation of sections 32, 32A, 32B, 32C, 32D or 32E of chapter 94C; or

(2) who pays a fine or civil penalty for any violation of chapters 85, 89 or 90.

(d) The assessment, as defined in subsection (c), shall be in addition to any fine, civil penalty or other court cost.

(e) A youth court that receives grants established by this section must account for all funds by providing an annual report to the secretary of public safety and security that documents all moneys received by the youth court and all payments made by the youth court and provides any additional information the secretary may request. Such annual reports shall also be filed as public records with the clerk of any district or superior court where a justice has imposed the assessment provided in subsection (c) no later than the first day of August of each year that a court shall impose the assessment provided in subsection (c).

(f) The secretary of public safety and security is hereby granted the authority to administer the Youth Court Fund established pursuant to 2FFFF of chapter 29 for the purpose of making grants to youth court programs. Such grants shall be made on an annual basis to youth court programs, at the discretion of the secretary, pursuant to subsection (b) of this section; provided, however, that—

(1) the secretary shall give priority to youth courts that have received a recommendation from the district attorneys in the districts set forth in section 13 of chapter 12 of the General Laws; and

(2) the secretary shall give priority to youth court programs that have made use of other grant programs.”.