HOUSE DOCKET, NO. 1223 FILED ON: 1/18/2017

HOUSE . . . . . No. 826

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos González

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 establish the Massachusetts innocence commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carlos González	*10th Hampden*	*1/18/2017*
Russell E. Holmes	*6th Suffolk*	*2/3/2017*
Bud Williams	*11th Hampden*	*1/19/2017*

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HOUSE . . . . . No. 826

By Mr. Gonzalez of Springfield, a petition (accompanied by bill, House, No. 826) of Carlos Gonzalez, Russell E. Holmes and Bud Williams for legislation to establish an innocence commission to analyze the circumstances of innocent persons being charged, prosecuted, convicted and incarcerated. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1618* OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act to establish the Massachusetts innocence commission.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The General Laws are hereby amended by inserting the following new chapter:

Chapter 258F – Massachusetts Innocence Commission

Section 1. There shall be established a commission, known as the Massachusetts Innocence Commission, which shall analyze the circumstances of innocent persons being charged, prosecuted, convicted and incarcerated; shall advise the legislature concerning the causes and factors associated with such wrongful convictions; shall consider and recommend reforms to investigative, prosecutorial, judicial and other processes; and shall propose remedial

legislation with the goals of reducing the likelihood that innocent persons are convicted of crimes. The commission shall evaluate current practices and make appropriate recommendations in the following areas:

(a) post-conviction access to the evaluation of DNA and other forensic evidence;

(b) eyewitness identification procedures;

(c) videotaping custodial and other questioning of suspects and witnesses;

(d) use of informants', cooperating individuals', and inmates' testimony;

(e) timely and full compliance with the government's responsibility to make exculpatory information available to a defendant and his or her counsel;

(f) law enforcement training and education programming;

(g) independence, impartiality, and scientific reliability of forensic laboratory operations;

(h) oversight and disciplinary structures for evaluating allegations of police, prosecutorial, defense and judicial misconduct in criminal proceedings;

(i) payment of counsel for the commonwealth and the defense, for investigative services, and other trial costs; and

(j) any other factors or areas which may be brought to the attention of the commission which relate to the general concern of the wrongful convictions of innocent persons.

Section 2. The members of the Massachusetts Innocence Commission shall consist of

(a) the Chief Counsel of the Committee for Public Counsel Services or his or her designee;

(b) the Attorney General for the Commonwealth or his or her designee;

(c) the colonel of the Massachusetts state police or his or her designee;

(d) the president of the Massachusetts Association of Defense Lawyers or his or designee, who shall have, at a minimum, twenty years of trial and/or appellate experience in criminal defense;

(e) two jail or house of correction or department of correction staff members who act as counselors, correctional caseworkers, or chaplains, dealing with individual prisoners, appointed by the commissioner of correction;

(f) the president of the Massachusetts Chiefs of Police Association or his or her designee;

(g) a District Attorney designated by the president of the Massachusetts Association of District Attorneys;

(h) a forensic scientist experienced in the management and oversight of laboratory operations;

(i) a retired justice of the Superior court department or the appeals court or the supreme judicial court,

appointed by the supreme judicial court; and

(j) two members of community and/or civil rights organizations, appointed by the Governor;

(k) another individual, to be appointed by the Governor.

Each member shall serve for a term of three years, or until his or her successor is appointed.

Section 3. The commission shall be convened initially by the gubernatorial nominees, at which time a chair shall be elected from among the members. The commission shall meet no less than quarterly, and meetings shall be public meetings. The commission shall file an annual report on or before December 15 with the office of the clerks of the house of representatives and the senate and shall make that report and any recommendations for legislative or other government action available to all members of the legislature, to the governor and the lieutenant governor, to all other appropriate government offices, and to the public. The commission's annual report and any recommendations shall be public records.