

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2017-2018)**

SENATE, October 2, 2017

The committee on the Judiciary to whom was referred the petitions (accompanied by bill, Senate, No. 755) of Michael J. Barrett, Marjorie C. Decker, John W. Scibak, Jason M. Lewis and other members of the General Court for legislation to restrict fine time sentences; (accompanied by bill, Senate, No. 757) of Joseph A. Boncore and Leonard Mirra for legislation relative to permitting the court to expunge the records of innocent persons, persons not connected to an alleged offense; (accompanied by bill, Senate, No. 758) of Joseph A. Boncore for legislation to permit the court to expunge the record of persons struggling with substance abuse or charged with possession of certain Class D controlled substances; (accompanied by bill, Senate, No. 759) of Joseph A. Boncore and Alice Hanlon Peisch for legislation relative to civil infractions for juveniles; (accompanied by bill, Senate, No. 760) of Joseph A. Boncore and Jack Lewis for legislation relative to diversion programs; (accompanied by bill, Senate, No. 761) of Joseph A. Boncore, Jason M. Lewis and RoseLee Vincent for legislation relative to judicial relief for substance abuse through diversion; (accompanied by bill, Senate, No. 769) of William N. Brownsberger and Paul R. Heroux for legislation to protect the rights of probationers in drug courts; (accompanied by bill, Senate, No. 770) of William N. Brownsberger, James B. Eldridge, Solomon Goldstein-Rose, Sonia Chang-Diaz and other members of the General Court for legislation to provide community-based sentencing alternatives for primary caretakers of dependent children who have been convicted of non-violent crimes; (accompanied by bill, Senate, No. 777) of William N. Brownsberger, Michael J. Barrett, Marjorie C. Decker, Jack Lewis and other members of the General Court for legislation to reduce the criminalization of poverty; (accompanied by bill, Senate, No. 790) of Sonia Chang-Diaz, Chris Walsh, Jose F. Tosado, Jason M. Lewis and other members of the General Court for legislation to codify juvenile court best practices; (accompanied by bill, Senate, No. 791) of Sonia Chang-Diaz, Chris Walsh, Marjorie C. Decker, Carmine L. Gentile and other

members of the General Court for legislation to increase neighborhood safety and opportunity; (accompanied by bill, Senate, No. 792) of Cynthia S. Creem and District Attorney Marian T. Ryan for legislation relative to costs of appeals by the Commonwealth; (accompanied by bill, Senate, No. 815) of Cynthia S. Creem and Denise Provost for legislation to expand eligibility for diversion to treatment for criminal offenders; (accompanied by bill, Senate, No. 816) of Cynthia S. Creem, Marjorie C. Decker, Jack Lewis, James B. Eldridge and other members of the General Court for legislation to expand juvenile court jurisdiction and district court diversion; (accompanied by bill, Senate, No. 817) of Cynthia S. Creem, Jason M. Lewis, Marjorie C. Decker, Michael J. Barrett and other members of the General Court for legislation relative to testimony in criminal proceedings; (accompanied by bill, Senate, No. 819) of Cynthia S. Creem, Joseph A. Boncore, Denise Provost, Marjorie C. Decker and other members of the General Court for legislation to repeal mandatory minimum sentences for non-violent drug offenses; (accompanied by bill, Senate, No. 827) of Cynthia S. Creem, Jason M. Lewis, Denise Provost and Sal N. DiDomenico for legislation to review of bail for inability to pay; (accompanied by bill, Senate, No. 834) of Kenneth J. Donnelly, Marjorie C. Decker, David M. Rogers, Jason M. Lewis and other members of the General Court for legislation to reform pretrial process; (accompanied by bill, Senate, No. 837) of Eileen M. Donoghue, James R. Miceli, Sarah K. Peake, William Crocker and other members of the General Court for legislation to criminalize the trafficking of carfentanil; (accompanied by bill, Senate, No. 842) of James B. Eldridge, Marjorie C. Decker, Kay Khan and Patricia D. Jehlen for legislation to decriminalize being in the presence of heroin; (accompanied by bill, Senate, No. 845) of James B. Eldridge, Jason M. Lewis, Mary S. Keefe, Marjorie C. Decker and other members of the General Court for legislation relative to the expungement of records of persons falsely accused and juveniles; (accompanied by bill, Senate, No. 847) of James B. Eldridge, Sean Garballey, Jason M. Lewis, Ruth B. Balsler and other members of the General Court for legislation to promote restorative justice practices for juveniles and adults; (accompanied by bill, Senate, No. 852) of Jennifer L. Flanagan for legislation to prevent intimidation in all courts of the Commonwealth; (accompanied by bill, Senate, No. 857) of Jennifer L. Flanagan for legislation relative to the solicitation of murder; (accompanied by bill, Senate, No. 858) of Jennifer L. Flanagan, Dylan Fernandes, Kathleen O'Connor Ives and Sonia Chang-Diaz for legislation to increase the penalties for corporate manslaughter; (accompanied by bill, Senate, No. 871) of Adam G. Hinds, William Smitty Pignatelli, Sonia Chang-Diaz and Sal N. DiDomenico for legislation to mandate that offenses for which a pardon has been granted be expunged from criminal offender record information reports; (accompanied by bill, Senate, No. 873) of Patricia D. Jehlen, James B. Eldridge, Marjorie C. Decker, Carmine L. Gentile and other members of the General Court for legislation relative to larceny; (accompanied

by bill, Senate, No. 874) of Patricia D. Jehlen, Sonia Chang-Diaz, Jason M. Lewis, John F. Keenan and other members of the General Court for legislation relative to medical placement of terminal and incapacitated inmates; (accompanied by bill, Senate, No. 876) of Patricia D. Jehlen, Michael J. Barrett, Denise Provost, Paul R. Heroux and other members of the General Court for legislation to decriminalize non-violent and verbal student misconduct; (accompanied by bill, Senate, No. 878) of John F. Keenan, William N. Brownsberger, James M. Cantwell, Richard J. Ross and other members of the General Court for legislation to expand protection under the Good Samaritan law for drug-related overdoses; (accompanied by bill, Senate, No. 881) of John F. Keenan, Timothy R. Whelan and Carlos Gonzalez for legislation to update the definition of fentanyl trafficking; (accompanied by bill, Senate, No. 909) of Mark C. Montigny for legislation relative to corporate criminal conduct; (accompanied by bill, Senate, No. 916) of Michael O. Moore for legislation relative to the definition of attempt in criminal cases; (accompanied by bill, Senate, No. 941) of Michael F. Rush, Linda Dean Campbell and Paul McMurtry for legislation to prohibit solicitation of a felony; (accompanied by bill, Senate, No. 944) of Karen E. Spilka, Marjorie C. Decker, Carmine L. Gentile, James B. Eldridge and other members of the General Court for legislation relative to sealing of juvenile records and expungement of court records; (accompanied by bill, Senate, No. 947) of Karen E. Spilka, Jason M. Lewis, James B. Eldridge, Jack Lewis and other members of the General Court for legislation to promote transparency, best practices, and better outcomes for children and communities; (accompanied by bill, Senate, No. 975) of James E. Timilty for legislation relative to juvenile intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings; (accompanied by bill, Senate, No. 979) of James E. Timilty for legislation relative to gang violence and witness intimidation; On so much of the message of His Excellency the Governor for legislation relative to reforming fine time (Senate, No. 2050); (accompanied by bill, House, No. 716) of Bruce J. Ayers and James M. Murphy for legislation to allow local housing authorities access to criminal records of tenants and prospective tenants; (accompanied by bill, House, No. 725) of Antonio F. D. Cabral relative to making drug dealing subject to dangerousness hearing determinations; (accompanied by bill, House, No. 728) of Antonio F. D. Cabral relative to improving the administration and efficiency of the judicial system; (accompanied by bill, House, No. 730) of Daniel Cahill relative to malicious damage to certain motor vehicles; (accompanied by bill, House, No. 741) of Evandro C. Carvalho and others relative to eliminating mandatory minimum sentences related to drug offenses; (accompanied by bill, House, No. 742) of Evandro C. Carvalho and others relative to compensation for victims of homicide; (accompanied by bill, House, No. 745) of Tackey Chan and others relative to juvenile intimidation of witnesses, jurors and persons furnishing information in connection with criminal

proceedings; (accompanied by bill, House, No. 754) of Claire D. Cronin and others relative to testimony of certain parents or minor children; (accompanied by bill, House, No. 755) of Claire D. Cronin and others relative to diversions from juvenile court processing of certain children ; (accompanied by bill, House, No. 756) of Claire D. Cronin and others for legislation to expunge the records of persons falsely accused and juveniles; (accompanied by bill, House, No. 760) of Josh S. Cutler and others relative to the expunging of criminal history records of certain youthful offenders; (accompanied by bill, House, No. 793) of Sean Garballey and others for legislation promoting restorative justice practices; (accompanied by bill, House, No. 794) of Sean Garballey and others relative to the criteria for the release of terminally ill inmates to alternative locations of confinement; (accompanied by bill, House, No. 805) of Colleen M. Garry relative to the criteria for the release of terminally ill inmates to alternative locations of confinement; (accompanied by bill, House, No. 819) of Carlos Gonzalez and others for legislation to decriminalize certain non-violent demonstrations by students; (accompanied by bill, House, No. 820) of Carlos Gonzalez and others relative to eliminating mandatory minimum sentences related to drug offenses; (accompanied by bill, House, No. 821) of Carlos Gonzalez and Russell E. Holmes for legislation to establish guidelines for the releasing of prisoners for medical reasons; (accompanied by bill, House, No. 839) of Paul R. Heroux relative to the standard of proof for juvenile defendants; (accompanied by bill, House, No. 843) of Paul R. Heroux and others relative to the reporting of recidivism reducing program outcomes by the Department of Correction; (accompanied by bill, House, No. 853) of Randy Hunt and others relative to bail fees; (accompanied by bill, House, No. 860) of Bradley H. Jones, Jr. and others for legislation to waive the fee for legal custodians to obtain the criminal record information of certain childcare providers; (accompanied by bill, House, No. 863) of Bradley H. Jones, Jr. and others relative to authorizing the courts of the Commonwealth to establish a system of juvenile restitution; (accompanied by bill, House, No. 874) of Kay Khan relative to the cost of appeals by defendants who are not indigent; (accompanied by bill, House, No. 875) of Kay Khan and others relative to the use of restraints and best practices in juvenile court proceedings; (accompanied by bill, House, No. 883) of David Paul Linsky and others relative to indigent defense counsel; (accompanied by bill, House, No. 884) of David Paul Linsky and others relative to the criminal penalty for certain disorderly persons and disturbers of the peace; (accompanied by bill, House, No. 885) of David Paul Linsky and others relative to the penalty imposed for malicious destruction of property; (accompanied by bill, House, No. 886) of David Paul Linsky and others relative to larceny; (accompanied by bill, House, No. 888) of David Paul Linsky and Marian T. Ryan (Middlesex District Attorney) relative to intimidation in the criminal justice system; (accompanied by bill, House, No. 895) of Jay D. Livingstone relative to the eligibility for diversion to treatment for certain criminal offenders;

(accompanied by bill, House, No. 907) of James R. Miceli and others relative to providing immunity for individuals under age 21 seeking medical assistance for alcohol-related overdoses; (accompanied by bill, House, No.940) of Angelo J. Puppolo, Jr., Brian M. Ashe and John C. Velis for legislation to authorize the Commonwealth to file appeals of bail decisions; (accompanied by bill, House, No. 941) of David M. Rogers and others for legislation to properly punish the solicitation of felony crimes; (accompanied by bill, House, No. 943) of David M. Rogers and others relative to fees for indigent defendants and the verification of indigency; (accompanied by bill, House, No. 953) of Byron Rushing and others relative to the collection and public availability of crime and arrest data; (accompanied by bill, House, No. 963) of Thomas M. Stanley and others for legislation to establish a pilot program to discourage drinking by individuals under the legal drinking age and to provide a non-criminal disposition process for first offenders, including alcohol education; (accompanied by bill, House, No. 967) of Chynah Tyler and others relative to penalties for the crime of larceny; (accompanied by bill, House, No. 969) of Aaron Vega and others relative to the penalties for providing false information to law enforcement officials; (accompanied by bill, House, No. 988) of Timothy R. Whelan and others relative to the definition of fentanyl; (accompanied by bill, House, No. 989) of Bud Williams and others relative to eliminating mandatory minimum sentences related to drug offenses; (accompanied by bill, House, No. 990) of Bud Williams and others for legislation to decriminalize certain non-violent demonstrations by students; (accompanied by bill, House, No. 2248) of Ruth B. Balser and others for legislation to protect certain inmates from unnecessary placement in solitary confinement; (accompanied by bill, House, No. 2249) of Ruth B. Balser and others for legislation to establish a segregation oversight committee on the use of disciplinary segregation and non-disciplinary segregation in correctional institutions; (accompanied by bill, House, No. 2250) of Paul Brodeur, Paul R. Heroux and James B. Eldridge relative to the penalties for tagging structures with paint; (accompanied by bill, House, No. 2251) of Paul Brodeur and others relative to adjournments of examinations and trials; (accompanied by bill, House, No. 2261) of Claire D. Cronin, Michelle M. DuBois and Jeffrey N. Roy relative to permitting the court to expunge criminal charges from the records of innocent persons; (accompanied by bill, House, No. 2308) of Mary S. Keefe and others relative to comprehensive criminal justice reform; (accompanied by bill, House, No. 2309) of Kay Khan and others relative to the sealing and court record expunging of juvenile records; (accompanied by bill, House, No. 2323) of Elizabeth A. Malia and others relative to specialty courts; (accompanied by bill, House, No. 2337) of David M. Rogers and others relative to the reclassification of some low level non-violent felonies as misdemeanors; (accompanied by bill, House, No. 2338) of David M. Rogers and others relative to establishing reasonable limitations on the solitary

confinement of inmates 21 years of age or younger; (accompanied by bill, House, No. 2359) of Chynah Tyler and others relative to making comprehensive changes to the criminal justice system of the Commonwealth; (accompanied by bill, House, No. 3037) of Evandro C. Carvalho and others relative to youthful offenders; (accompanied by bill, House, No. 3047) of Diana DiZoglio and others relative to voluntary civil commitment for alcohol and substance abuse treatment; (accompanied by bill, House, No. 3050) of Lori A. Ehrlich and others relative to the reporting of overdoses of controlled substance, alcohol, or combination of such substances; (accompanied by bill, House, No. 3071) of Russell E. Holmes and others relative to segregation of prisoners and inmates; (accompanied by bill, House, No. 3072) of Russell E. Holmes and others relative to providing community-based sentencing alternatives for primary caretakers of dependent children convicted of non-violent crimes; (accompanied by bill, House, No. 3075) of Daniel J. Hunt and Linda Dorcena Forry relative to the protection of the families of violent crime from intimidation; (accompanied by bill, House, No. 3077) of Mary S. Keefe and others relative to fine time sentences, so-called; (accompanied by bill, House, No. 3078) of Kay Khan and others relative to youthful offenders; (accompanied by bill, House, No. 3079) of Kay Khan and others relative to the treatment and interaction of juveniles within the state justice system and the collection and reporting of statistical data regarding such juveniles by certain state agencies; (accompanied by bill, House, No. 3084) of Elizabeth A. Malia and others relative to criminal offender record information; (accompanied by bill, House, No. 3092) of Christopher M. Markey and others for legislation to authorize the collection of data regarding the use of solitary confinement in prisons, jails and houses of correction; (accompanied by bill, House, No. 3098) of Christopher M. Markey and Alice Hanlon Peisch for legislation to establish parent child testimonial privileges; (accompanied by bill, House, No. 3100) of Christopher M. Markey relative to dangerousness hearings; (accompanied by bill, House, No. 3110) of Joan Meschino and others relative to parole fees assessed upon persons receiving public assistance; (accompanied by bill, House, No. 3116) of David K. Muradian, Jr. and others relative to further regulating the classes and penalties of controlled substances; (accompanied by bill, House, No. 3120) of David M. Rogers and others for legislation to reform pretrial processes; (accompanied by bill, House, No. 3126) of Chynah Tyler and others relative to records of persons falsely accused of crimes; (accompanied by bill, House, No. 3494) of Claire D. Cronin and others relative to supervised medical parole of terminal and extraordinarily incapacitated inmates; (accompanied by bill, House, No. 3579) of Carolyn C. Dykema and others relative to juvenile or youthful offenders; (accompanied by bill, House, No. 3586) of Kay Khan and others relative to re-entry and rehabilitation programs for incarcerated women; and (accompanied by bill, House, No. 3650) of Michael S. Day and Gerard

Cassidy relative to penalties for the crime of larceny,- reports the accompanying bill
(Senate, No. 2170)

For the committee,
William N. Brownsberger

The Commonwealth of Massachusetts

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

An Act relative to criminal justice reform.

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 7 of chapter 4 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the following clause:-

3 Sixtieth, “The age of criminal majority” shall mean the age of 19.

4 SECTION 2. The definition of “Criminal offender record information” in section 167 of
5 chapter 6 of the General Laws, as so appearing, is hereby amended by striking out the second
6 sentence and inserting in place thereof the following sentence:-

7 Such information shall be restricted to information recorded in criminal proceedings that
8 are not dismissed before arraignment.

9 SECTION 3. Said section 167 of said chapter 6, as so appearing, is hereby further
10 amended by striking out, in lines 38, 40, and 41, the figure “18” and inserting in place thereof, in
11 each instance, the following words:- criminal majority.

12 SECTION 4. Said section 167 of said chapter 6, as so appearing, is hereby further
13 amended by striking out, in lines 41 to 42, the words “is adjudicated as an adult” and inserting in

14 place thereof the following words:- was tried as an adult in superior court or tried as an adult
15 after transfer of a case from a juvenile session to another trial court department.

16 SECTION 5. Section 36 of chapter 22C of the General Laws, as so appearing, is hereby
17 amended by striking out, in lines 21 and 22, the words “provided that such records shall remain
18 subject to the regulations of said board”.

19 SECTION 6. Said section 36 of said chapter 22C, as so appearing, is hereby further
20 amended by adding the following 2 paragraphs:-

21 The department shall make available criminal case disposition information, including
22 sealing and expungement orders and dismissals, to the Federal Bureau of Investigation to provide
23 criminal history record information through the bureau’s Interstate Identification Index.

24 The executive office of public safety and security may promulgate regulations
25 that are necessary to facilitate a fingerprint-supported criminal history system that utilizes a
26 fingerprint-based state identification number as the unique identifier of a person from the point
27 of arrest or charging through each contact the person has with the criminal justice system or
28 juvenile justice system and that provides criminal case disposition information to ensure a
29 complete and accurate criminal history.

30 SECTION 7. Section 20 of chapter 31 of the General Laws, as so appearing, is hereby
31 amended by striking out, in lines 10 and 1, the words “18 years” and inserting in place thereof
32 the following words:- criminal majority.

33 SECTION 8. Section 24 of chapter 37 of the General Laws, as so appearing, is hereby
34 amended by striking out, in line 14, the words “18 years” and inserting in place thereof the
35 following words:- criminal majority.

36 SECTION 9. Section 21D of chapter 40 of the General Laws, as so appearing, is hereby
37 amended by striking out the first and second paragraphs and inserting in place thereof the
38 following 3 paragraphs:-

39 Section 21D. A city or town may, by ordinance or by-law that is not inconsistent with this
40 section, provide for the non-criminal disposition of misdemeanors eligible for decriminalization
41 under section 70C of chapter 277, matters that have been deemed civil infractions by a general or
42 special law and violations of an ordinance, by-law, rule or regulation of a municipal officer,
43 board or department that is subject to a specific penalty.

44 A police officer who has witnessed a person commit such a violation may request the
45 person to provide the person’s name or address, where applicable. If, having been advised by the
46 officer that failure to provide the person’s name or address may result in the person’s arrest, the
47 person refuses upon the request to state the person’s name or address, where applicable, or states
48 a false name or address or a name or address that is not the person’s name or address in ordinary
49 use, the person may be arrested without a warrant.

50 An ordinance or by-law shall provide that a person taking cognizance of a misdemeanor,
51 civil infraction or violation of a specific ordinance, by-law, rule or regulation which that person
52 is authorized to enforce may, as an alternative to initiating criminal proceedings, give to the
53 offender who has committed the misdemeanor, civil infraction or violation a written notice to
54 appear before the clerk of the district court that has jurisdiction over the misdemeanor, civil

55 infraction or violation at any time during office hours, not later than 21 days after the date of the
56 notice. The notice shall be produced in triplicate and shall contain the offender's name, address,
57 if known, the specific offense charged and the time and place of the offender's required
58 appearance. The notice shall be signed by the enforcing person and shall be signed by the
59 offender whenever practicable as an acknowledgement that the notice has been received. If the
60 offender fails, without good cause, to appear in response to the written notice and the court has
61 satisfactory proof of service of the notice, an arrest warrant may be issued and shall be served by
62 any officer authorized to serve criminal process.

63 SECTION 10. Section 98 of chapter 41 of the General Laws, as so appearing, is hereby
64 amended by striking out the second paragraph.

65 SECTION 11. Section 98F of said chapter 41, as so appearing, is hereby amended by
66 striking out, in line 18, the words "or (iii) any" and inserting in place thereof the following
67 words:- ; (iii) any.

68 SECTION 12. Said section 98F of said chapter 41, as so appearing, is hereby further
69 amended by inserting after the figure "209A", in line 21, the following words:- ; or (iv) any entry
70 concerning the arrest of a person who has not yet reached the age of criminal majority.

71 SECTION 13. Subsection (b) of section 37P of chapter 71 of the General Laws, as so
72 appearing, is hereby amended by striking out the second paragraph and inserting in place thereof
73 the following paragraph:-

74 In selecting a school resource officer, the chief of police shall assign candidates that the
75 chief believes would strive to foster an optimal learning environment and educational
76 community; provided, however, that the chief of police shall give preference to candidates who

77 have received specialized training in child and adolescent development, de-escalation and
78 conflict resolution techniques with children and adolescents, behavioral health disorders in
79 children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and
80 behavioral threat assessment methods. The appointment shall not be based solely on seniority.
81 The performance of a school resource officer shall be reviewed annually by the superintendent
82 and the chief of police. The superintendent and the chief of police shall enter into a written
83 memorandum of understanding to clearly define the role and duties of the school resource
84 officers. The memorandum shall be placed on file in the office of the school superintendent and
85 police chief. The memorandum shall: (i) state that school resource officers may use traditional
86 policing techniques, such as arrest, citation and court referral, only when necessary to address
87 and prevent serious, real and immediate threats to the physical safety of the members of the
88 school and the wider community; (ii) state that school resource officers shall not become
89 involved in routine discipline in response to non-violent school infractions such as tardiness,
90 loitering, use of profanity, dress code violations and disruptive or disrespectful behaviors; (iii)
91 set forth protocols for utilizing the expertise of mental health professionals in addressing the
92 needs of students with behavioral and emotional difficulties, in crisis situations and otherwise;
93 (iv) require that a school resource officer devote a significant portion of time that the officer
94 devotes to professional development activities to school-based or other training that promotes
95 heightened awareness of the various challenges faced by students in the school to which the
96 officer is assigned, with an emphasis on professional development activities that impart
97 information regarding child development, including the incidence and impact of adverse
98 childhood experiences, de-escalation techniques and implicit or unconscious bias; (v) specify
99 how the school and police departments will regularly monitor and assure that school resource

100 officers are complying with the terms of the memorandum and avoiding inappropriate arrest,
101 citation or court referral; and (vi) specify the manner and division of responsibility for collecting
102 and reporting the school-based arrests, citations and court referrals of students to the department
103 of elementary and secondary education in accordance with regulations promulgated by the
104 department, which shall collect and publish disaggregated data in a like manner as school
105 discipline data made available for public review.

106 SECTION 14. Section 22 of chapter 90 of the General Laws, as so appearing, is hereby
107 amended by striking out subsection (i).

108 SECTION 15. Section 23 of said chapter 90, as so appearing, is hereby amended by
109 inserting after the figure “\$500”, in line 53, the following words:- ; provided however, that
110 notwithstanding any general or special law to the contrary, a finding of delinquency shall not be
111 entered against a person against whom such a complaint has been issued and the penalty for such
112 shall be a civil penalty of not more than \$500.

113 SECTION 16. The second paragraph of subparagraph (1) of paragraph (a) of subdivision
114 (1) of section 24 of said chapter 90, as so appearing, is hereby amended by striking out the
115 second sentence and inserting in place thereof the following sentence:-

116 The assessment shall be waived or reduced if it will cause a substantial financial hardship
117 upon the person or the person’s family or dependents.

118 SECTION 17. The third paragraph of said subparagraph (1) of said paragraph (a) of said
119 subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by
120 striking out the second sentence and inserting in place thereof the following sentence:-

121 The assessment shall be waived or reduced if it will cause a substantial financial hardship
122 upon the person or the person’s family or dependents.

123 SECTION 18. The second subparagraph of paragraph (a) of subdivision (2) of said
124 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the second
125 sentence and inserting in place thereof the following sentence:-

126 The assessment shall be waived or reduced if it will cause a substantial financial hardship
127 upon the person or the person’s family or dependents.

128 SECTION 19. Section 24D of said chapter 90, as so appearing, is hereby amended by
129 striking out, in lines 173 and 174, the words “cause a grave and serious hardship to such
130 individual or to the family thereof,” and inserting in place thereof the following words:- impose a
131 substantial financial hardship on the individual or the family or dependents of the individual.

132 SECTION 20. Section 34J of said chapter 90, as so appearing, is hereby amended by
133 inserting after the figure “\$500”, in line 59, the following words:- ; provided however, that such
134 a person shall not have a finding of delinquency entered against the person and the penalty for
135 such shall be a civil penalty of not more than \$500.

136 SECTION 21. Section 8 of chapter 90B of the General Laws, as so appearing, is hereby
137 amended by striking out, in lines 513 and 514, the words “not be subject to reduction or waiver
138 by the court for any reason” and inserting in place thereof the following words:- be waived or
139 reduced if it will impose a substantial financial hardship on the person or the family or
140 dependents of the person.

141 SECTION 22. Paragraph (6) of subsection (A) of section 3 of chapter 90C of the General
142 Laws, as so appearing, is hereby amended by adding the following subparagraph:-

143 (d) A violator may request a payment plan for the payment of the violator's assessment to
144 the registrar or the registrar's authorized agent. If the violator requests a payment plan, the
145 registrar shall determine a monthly payment plan that takes the violator's ability to pay into
146 consideration; provided, however, that a monthly payment shall be not less than \$25. The
147 payment plan shall be sufficient to discharge the violator of all reinstatement fees and underlying
148 fines assessed to the violator. The term of a payment plan under this section shall be not more
149 than 12 months. During the period of the payment plan, the registrar shall defer any suspension
150 otherwise mandated by this section.

151 If a violator signs a payment plan approved by the registrar and fails to make payments
152 on the plan, the registrar may suspend the violator's license, learner's permit or right to operate
153 without further notice or hearing. The registrar shall promulgate regulations to govern the
154 determination and use of payment plans.

155 SECTION 23. Class A of section 31 of chapter 94C of the General Laws, as so
156 appearing, is hereby amended by adding the following paragraph:-

157 (d) Unless specifically excepted or unless listed in another schedule, any material,
158 compound, mixture or preparation that contains any quantity of the following substances
159 including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and
160 salts of isomers is possible within the specific chemical designations:

161 1. Acetyl Fentanyl

- 162 2. Carfentanil
- 163 3. Fentanyl
- 164 4. Any synthetic opioid controlled in Schedule II of Title 21 of the Code of Federal
165 Regulations Part 1308.12, unless specifically excepted or unless listed in another class in this
166 section.

167 SECTION 24. Paragraph (b) of class B of said section 31 of said chapter 94C, as so
168 appearing, is hereby amended by striking out clauses (6) to (21), inclusive, and inserting in place
169 thereof the following 15 clauses:-

- 170 (6) Isomethadone
- 171 (7) Levomethorphan
- 172 (8) Levorphanol
- 173 (9) Metazocine
- 174 (10) Methadone
- 175 (11) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- 176 (12) Moramide-Intermediate, 2-methyl-3 morpholine-1, 1-diphenyl-propane carboxylic
177 acid
- 178 (13) Pethidine
- 179 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- 180 (15) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate

181 (16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid

182 (17) Phenazocine

183 (18) Piminodine

184 (19) Racemethorphan

185 (20) Racemorphan

186 SECTION 25. Said chapter 94C is hereby further amended by striking out sections 32 to
187 32B, inclusive, as so appearing, and inserting in place thereof the following 3 sections:-

188 Section 32. A person who knowingly or intentionally manufactures, distributes, dispenses
189 or possesses with intent to manufacture, distribute or dispense a controlled substance in Class A
190 of section 31 shall be punished by imprisonment in the state prison for not more than 10 years or
191 in a jail or house of correction for not more than 2½ years, by a fine of not less than \$1,000 nor
192 more than \$10,000 or by both such fine and imprisonment.

193 Section 32A. A person who knowingly or intentionally manufactures, distributes,
194 dispenses or possesses with intent to manufacture, distribute or dispense a controlled substance
195 in Class B of section 31 shall be punished by imprisonment in the state prison for not more than
196 10 years or in a jail or house of correction for not more than 2½ years, by a fine of not less than
197 \$1,000 nor more than \$10,000 or both such fine and imprisonment.

198 Section 32B. A person who knowingly or intentionally manufactures, distributes,
199 dispenses or possesses with intent to manufacture, distribute or dispense a controlled substance
200 in Class C of section 31 shall be imprisoned in state prison for not more than 5 years or in a jail

201 or house of correction for not more than 2½ years, by a fine of not less than \$500 nor more than
202 \$5,000 or both such fine and imprisonment.

203 SECTION 26. Section 32E of said chapter 94C, as so appearing, is hereby amended by
204 striking out, in lines 46 and 47, the figure “18” and inserting in place thereof, in each instance,
205 the following figure:- 100.

206 SECTION 27. Subsection (b) of said section 32E of said chapter 94C, as so appearing, is
207 hereby amended by striking out paragraphs (1) to (4), inclusive, and inserting in place thereof the
208 following 2 paragraphs:-

209 (1) Not less than 100 grams but less than 200 grams, be punished by a term of
210 imprisonment in the state prison for not less than 8 nor more than 20 years. A sentence imposed
211 under this clause shall not be for less than a mandatory minimum term of imprisonment of 8
212 years and a fine of not less than \$10,000 nor more than \$100,000 may be imposed; provided,
213 however, that a fine shall not be in lieu of the mandatory minimum term of imprisonment
214 established in this paragraph.

215 (2) Not less than 200 grams, be punished by a term of imprisonment in the state prison
216 for not less than 12 nor more than 20 years. A sentence imposed under this clause shall not be for
217 less than a mandatory minimum term of imprisonment of 12 years and a fine of not less than
218 \$50,000 nor more than \$500,000s may be imposed; provided, however, that a fine shall not be in
219 lieu of the mandatory minimum term of imprisonment established in this paragraph.

220 SECTION 28. Said section 32E of said chapter 94C, as so appearing, is hereby further
221 amended by inserting after the word “thereof”, in line 80, the following words:- , a controlled
222 substance defined in paragraph (d) of Class A of section 31.

223 SECTION 29. Said section 32E of said chapter 94C, as so appearing, is hereby further
224 amended by inserting after the word “thereof”, in line 85, the first time it appears, the following
225 words:- , a controlled substance defined in paragraph (d) of Class A of section 31.

226 SECTION 30. Said section 32E of said chapter 94C, as so appearing, is hereby further
227 amended by inserting after the word “thereof”, in line 87, the following words:- , a controlled
228 substance defined in paragraph (d) of Class A of section 31.

229 SECTION 31. Said section 32E of said chapter 94C, as so appearing, is hereby further
230 amended by inserting after the word “thereof”, in line 89, the first time it appears, the following
231 words:- , a controlled substance defined in paragraph (d) of Class A of section 31.

232 SECTION 32. Said section 32E of said chapter 94C, as so appearing, is hereby further
233 amended by striking out subsection (c^{1/2}).

234 SECTION 33. Section 32H of said chapter 94C, as so appearing, is hereby amended by
235 striking out, in lines 1 to 3, inclusive, the words “paragraph (b) of section thirty-two, paragraphs
236 (b), (c) and (d) of section thirty-two A, paragraph (b) of section thirty-two B, sections” and
237 inserting in place thereof the following word:- sections.

238 SECTION 34. Said section 32H of said chapter 94C, as so appearing, is hereby further
239 amended by striking out, in lines 3 and 4, the words “thirty-two F and thirty-two J” and inserting
240 in place thereof the following words:- and 32F.

241 SECTION 35. Said section 32H of said chapter 94C, as so appearing, is hereby further
242 amended by striking out, in lines 16 to 18, inclusive, the words “subsection (c) of Section 32,

243 subsection (e) of section 32A, subsection (c) of section 32B, subsection (d) of section 32E, or
244 section 32J” and inserting in place thereof the following words:- subsection (d) of section 32E.

245 SECTION 36. Said section 32H of said chapter 94C, as so appearing, is hereby further
246 amended by striking out, in line 33, the words “18 years of age or older” and inserting in place
247 thereof the following words:- having attained the age of criminal majority.

248 SECTION 37. Said section 32H of said chapter 94C, as so appearing, is hereby further
249 amended by striking out, in line 34, the figure “18” and inserting in place thereof the following
250 words: the age of criminal majority.

251 SECTION 38. Section 32I of said chapter 94C, as so appearing, is hereby amended by
252 striking out, in line 10, the words “less than one nor”.

253 SECTION 39. Said section 32I of said chapter 94C, as so appearing, is hereby further
254 amended by striking out, in line 11, the words “less than five hundred nor”.

255 SECTION 40. Said section 32I of said chapter 94C, as so appearing, is hereby further
256 amended by striking out, in line 24, the words “less than fifty nor”.

257 SECTION 41. Section 32J of said chapter 94C is hereby repealed.

258 SECTION 42. Section 32M of chapter 94C of the General Laws, as amended by section
259 19 of chapter 55 of the acts of 2017, is hereby further amended by striking out, in line 1, the
260 word “eighteen” and inserting in place thereof the following words:- criminal majority.

261 SECTION 43. Said section 32M of said chapter 94C, as so amended, is hereby further
262 amended by striking out, in line 6, the figure “18” and inserting in place thereof the following
263 words:- criminal majority.

264 SECTION 44. Section 34 of said chapter 94C, as appearing in the 2016 Official Edition,
265 is hereby amended by striking out, in lines 14 and 15, the words “less than two and one-half
266 years nor”.

267 SECTION 45. Said section 34 of said chapter 94C, as so appearing, is hereby further
268 amended by striking out, in lines 42 to 44, inclusive, the words “departmental records which are
269 not public records, maintained by police and other law enforcement agencies, shall not be sealed;
270 and provided further, that”.

271 SECTION 46. Section 34A of said chapter 94C, as so appearing, is hereby amended by
272 striking out, in lines 4 and 11, the words “sections 34 or 35” and inserting in place thereof, in
273 each instance, the following words:- section 34 or found in violation of a condition of probation
274 or pre-trial release as determined by the courts or a condition of parole as determined by the
275 parole board.

276 SECTION 47. Said section 34A of said chapter 94C, as so appearing, is hereby further
277 amended by inserting after the word “substance”, in lines 5 and 12, the following words:- or
278 violation.

279 SECTION 48. Section 35 of said chapter 94C is hereby repealed.

280 SECTION 49. Section 36 of said chapter 94C, as appearing in the 2016 Official Edition,
281 is hereby amended by striking out, in lines 6 and 7, the words “his eighteenth birthday” and
282 inserting in place thereof the following words:- the age of criminal majority.

283 SECTION 50. Section 44 of said chapter 94C, as so appearing, is hereby amended by
284 striking out, in lines 5 to 8, inclusive, the words “; provided, however, that departmental records

285 maintained by police and other law enforcement agencies which are not public records shall not
286 be sealed”.

287 SECTION 51. Section 45 of said chapter 94C is hereby repealed.

288 SECTION 52. Section 1 of chapter 111E of the General Laws, as appearing in the 2016
289 Official Edition, is hereby amended by striking out the definition of “Administrator” and
290 inserting in place thereof the following 2 definitions:-

291 “Addiction specialist”, a person who is licensed or certified by the department as a
292 provider of substance abuse treatment or a physician, licensed psychologist, registered nurse or
293 licensed clinical social worker.

294 “Administrator”, the person in charge of the operation of a facility or a penal facility, or
295 the person’s designee.

296 SECTION 53. Section 10 of said chapter 111E, as so appearing, is hereby amended by
297 striking out, in lines 18 to 19, the words “a psychiatrist, or if it is, in the discretion of the court,
298 impracticable to do so, a physician” and inserting in place thereof the following words:- an
299 addiction specialist.

300 SECTION 54. Said section 10 of said chapter 111E, as so appearing, is hereby further
301 amended by striking out, in lines 23, 25, 31 and 35, the words “psychiatrist or physician” and
302 inserting in place thereof, in each instance, the following words:- addiction specialist.

303 SECTION 55. Said section 10 of said chapter 111E, as so appearing, is hereby further
304 amended by striking out, in lines 60 and 61, the words “for the first time”.

305 SECTION 56. Said section 10 of said chapter 111E, as so appearing, is hereby further
306 amended by striking out, in lines 61 and 62, the words “not involving the sale or manufacture of
307 dependency related drugs, and” and inserting in place thereof the following word:- and.

308 SECTION 57. Said section 10 of said chapter 111E, as so appearing, is hereby further
309 amended by striking out, in line 71, the words “for the first time”.

310 SECTION 58. Said section 10 of said chapter 111E, as so appearing, is hereby further
311 amended by striking out, in lines 72 and 73, the words “not involving the sale or manufacture of
312 dependency related drugs, and” and inserting in place thereof the following word:- and.

313 SECTION 59. Said section 10 of said chapter 111E, as so appearing, is hereby further
314 amended by striking out, in line 93, the words “psychiatrist or physician” and inserting in place
315 thereof the following words:- addiction specialist.

316 SECTION 60. Said section 10 of said chapter 111E, as so appearing, is hereby further
317 amended by striking out, in lines 98 to 99, the words “independent psychiatrist, or if it is
318 impracticable to do so, an independent physician” and inserting in place thereof the following
319 words:- addiction specialist.

320 SECTION 61. Said section 10 of said chapter 111E, as so appearing, is hereby further
321 amended by striking out, in line 104, the words “psychiatrist or physician” and inserting in place
322 thereof the following words:- addiction specialist.

323 SECTION 62. Said section 10 of said chapter 111E, as so appearing, is hereby further
324 amended by striking out, in lines 124 and 125, the words “independent psychiatrist, or, if none is

325 available, an independent physician” and inserting in place thereof the following words:-
326 addiction specialist.

327 SECTION 63. Said section 10 of said chapter 111E, as so appearing, is hereby amended
328 by striking out, in line 184, the words “thirty-two to thirty-two G” and inserting in place thereof
329 the following figures:- 32E to 32G.

330 SECTION 64. Section 11 of said chapter 111E, as so appearing, is hereby amended by
331 striking in lines 4 and 5, the words “a psychiatrist, or, if, in the discretion of the court, it is
332 impracticable to do so, by a physician” and inserting in place thereof the following words:- an
333 addiction specialist.

334 SECTION 65. Said section 11 of said chapter 111E, as so appearing, is hereby further
335 amended by striking out, in line 11, lines 16 and 17 and line 18, the words “physician or
336 psychiatrist” and inserting in place thereof the following words:- addiction specialist.

337 SECTION 66. Section 13A of said chapter 111E, as so appearing, is hereby amended by
338 striking out, in line 9, the word “physician” and inserting in place thereof the following words:-
339 addiction specialist.

340 SECTION 67. Said section 13A of said chapter 111E, as so appearing, is hereby further
341 amended by striking out, in line 12, the word “physician” and inserting in place thereof the
342 following words:- addiction specialist.

343 SECTION 68. Section 52 of chapter 119, as so appearing, is hereby further amended by
344 striking out the definition of “Court” and inserting in place thereof the following 2 definitions:-

345 “Civil infraction”, a violation for which a civil proceeding is allowed, for which the court
346 shall not appoint counsel or sentence any term of incarceration and for which a civil penalty may
347 be imposed.

348 “Court”, a division of the juvenile court department.

349 SECTION 69. Said section 52 of said chapter 119, as so appearing, is hereby further
350 amended by striking out the definition of “Delinquent child” and inserting in place thereof the
351 following definition:-

352 “Delinquent child”, a child between the age of 12 and the age of criminal majority who
353 commits any offense against a law of the commonwealth; provided, however, that such an
354 offense shall not include a civil infraction.

355 SECTION 70. Said section 52 of said chapter 119, as so appearing, is hereby further
356 amended by striking out, in line 15, the figure “18” and inserting in place thereof the following
357 words:- the age of criminal majority.

358 SECTION 71. Section 54 of said chapter 119, as so appearing, is hereby amended by
359 striking out, in line 2, the words “seven and 18 years of age” and inserting in place thereof the
360 following figure:- 12 and the age of criminal majority.

361 SECTION 72. Said section 54 of said chapter 119, as so appearing, is hereby further
362 amended by striking out, in line 21, the words “ages of fourteen and 18” and inserting in place
363 thereof the following words;- age of 14 and the age of criminal majority.

364 SECTION 73. Said section 54 of said chapter 119, as so appearing, is hereby further
365 amended by striking out the second paragraph.

366 SECTION 74. Said chapter 119 is hereby further amended by inserting after section 54
367 the following section:-

368 Section 54A. (a) The juvenile court shall have jurisdiction to divert to a program, as
369 defined in section 1 of chapter 276A, a child who is subject to the jurisdiction of the juvenile
370 court as the result of a complaint brought under section 54 and who has received a
371 recommendation from the department of probation stating that the child would benefit from
372 participation in the program.

373 (b) A probation officer of a juvenile court shall, after the appointment of counsel, upon
374 the request of counsel and prior to arraignment, complete an assessment of each child
375 complained of as a delinquent child to enable the judge to consider the suitability of the child for
376 diversion from any further court processing to a program prior to arraignment.

377 If the child or the probation officer requests a continuance, the court may offer a
378 continuance of not more than 14 days to allow for additional time for the assessment by the
379 department of probation or, where the judge determines it is appropriate, the personnel of a
380 program to determine if the child would benefit from the program. If a case is continued under
381 this section, the child shall not be arraigned and an entry shall not be made into the criminal
382 offender record information systems until a Justice of the juvenile court orders it to resume the
383 ordinary processing of a delinquency proceeding.

384 (c) After the completion of the assessment, or upon the expiration of a continuance
385 granted pursuant to paragraph (b), the probation officer or, where applicable, the director of a
386 program to which the child has been referred, shall submit to the court a recommendation as to
387 whether the child would benefit from diversion to a program.

388 The judge, upon receipt of the recommendation, shall provide an opportunity for a
389 recommendation by the prosecution regarding the diversion of the child. After receiving the
390 report and having provided an opportunity for the prosecution to make its recommendation, the
391 judge shall make a final determination as to the eligibility of the child for diversion. The
392 proceedings of a child who is found eligible for diversion under section (a) shall be stayed for a
393 period of 90 days, unless the judge determines that the interest of justice would best be served by
394 a lesser period of time.

395 A stay of proceedings shall not be granted pursuant to this section unless the child
396 consents in writing to the terms and conditions of the stay of proceedings and knowingly
397 executes a waiver of the child's right to a speedy trial on a form approved by the chief justice of
398 the juvenile courts. The consent shall be with the advice of the child's counsel. A request for
399 assessment, a decision by the child not to enter a program, a determination by probation or by a
400 program that the child would not benefit from diversion or any statement made by the child
401 during the course of assessment shall not be admissible against the child in any proceedings. Any
402 consent by the child to the stay of proceedings or any act done or statement made in fulfillment
403 of the terms and conditions of the stay of proceedings shall not be admissible as an admission,
404 implied or otherwise, against the child, should the stay of proceedings be terminated and
405 proceedings resumed on the original complaint. A statement or other disclosure or records
406 thereof made by a child during the course of assessment or during the stay of proceedings shall
407 not be disclosed at any time to a prosecutor or other law enforcement officer in connection with
408 the investigation, or prosecution of any charge or charges against the child or any co-defendant.

409 If a child has been found eligible for diversion under this section, the child shall not be
410 arraigned and an entry shall not be made into the criminal offender record information systems

411 until a Justice of the juvenile court orders it to resume the ordinary processing of a delinquency
412 or youthful offender proceeding. If a child is found eligible under this section, this eligibility
413 shall not be considered an issuance of a criminal complaint for the purposes of section 37H½ of
414 chapter 71.

415 (d) A district attorney may divert any child to a program, either before or after the
416 assessment procedure set forth in paragraph (b), with or without the permission of the court and
417 without regard to the limitations in paragraph (f). A district attorney who diverts a case pursuant
418 to this section may request a report from a program regarding the child's status in and
419 completion of the program.

420 If the child during the stay of proceedings is charged with a subsequent offense, a judge
421 in the court that entered the stay of proceedings may issue such process as is necessary to bring
422 the child before the court. When the child is brought before the court, the judge shall afford the
423 child an opportunity to be heard. If the judge finds probable cause to believe that the child has
424 committed a subsequent offense, the judge may order, when appropriate, that the stay of
425 proceedings be terminated and that the commonwealth be permitted to proceed on the original
426 complaint as provided by law.

427 (e) Upon the expiration of the initial 90-day stay of proceedings, the probation officer of
428 the juvenile court shall indicate to the court the successful completion of diversion by the child
429 or recommend an extension of the stay of proceedings for not more than an additional 90 days so
430 that the child may complete the diversion program successfully.

431 If the probation officer indicates the successful completion of diversion by a child, the
432 judge shall dismiss the original complaint pending against the child. If the report recommends an

433 extension of the stay of proceedings, the judge may, on the basis of the report and any other
434 relevant evidence, take such action as the judge deems appropriate, including the dismissal of the
435 complaint, the granting of an extension of the stay of proceedings or the resumption of
436 proceedings.

437 If the conditions of diversion have not been met, the child’s attorney shall be notified
438 prior to the termination of the child from diversion and the judge may grant an extension to the
439 stay of proceedings if the child reasonably satisfies the court that the child does not have the
440 means to comply with the conditions of diversion.

441 If the judge dismisses a complaint under this section, the court shall enter an order
442 directing expungement of any records of the complaint and related proceedings maintained by
443 the clerk, the court, the department of criminal justice information services and the court activity
444 record index.

445 (f) If a child who is otherwise eligible for diversion under this section is charged with a
446 violation of 1 or more of the offenses enumerated in section 70C of chapter 277, other than the
447 offenses in sections 13A, 13J, and 13M of chapter 265, sections 13A and 13C of chapter 268 and
448 sections 1, 4, 16, 28, 29, 29A and 29B of chapter 272, this section shall not apply for the child.

449 SECTION 75. Section 58 of said chapter 119, as appearing in the 2016 Official Edition,
450 is hereby amended by striking out, in line 79, the word “eighteenth” and inserting in place
451 thereof the following words:- twenty-first.

452 SECTION 76. Section 60A of said chapter 119, as so appearing, is hereby amended by
453 striking out, in line 17, the words “his fourteenth and eighteenth birthdays” and inserting in place
454 thereof the following words:- the age of 14 and the age of criminal majority.

455 SECTION 77. Said section 60A of said chapter 119, as so appearing, is hereby further
456 amended by striking out, in line 20, the words “been age 18 or older” and inserting in place
457 thereof the following words:- attained the age of criminal majority.

458 SECTION 78. Said section 60A of said chapter 119, as so appearing, is hereby further
459 amended by striking out, in line 22, the words “were age 18 or older” and inserting in place
460 thereof the following words:- had attained the age of criminal majority.

461 SECTION 79. Section 63A of said chapter 119, as so appearing, is hereby amended by
462 striking out, line 2, the figure “18” and inserting in place thereof the following word:- criminal
463 majority.

464 SECTION 80. Section 65 of said chapter 119, as so appearing, is hereby amended by
465 striking out, in line 2, the words “18 years of age” and inserting in place thereof the following
466 words:- the age of criminal majority.

467 SECTION 81. Section 66 of said chapter 119, as so appearing, is hereby amended by
468 striking out, in lines 3 and 5, the words “18 years of age”, in lines 3 and 5, and inserting in place
469 thereof, in each instance, the following words:- the age of criminal majority.

470 SECTION 82. Section 67 of said chapter 119, as so appearing, is hereby amended by
471 striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 12.

472 SECTION 83. Said section 67 of said chapter 119, as so appearing, is hereby further
473 amended by striking out, in lines 2 and 3, 20, 21, 37 and 47, the words “18 years of age” and
474 inserting in place thereof, in each instance, the following words:- the age of criminal majority.

475 SECTION 84. Section 68 of said chapter 119, as so appearing, is hereby amended by
476 striking out, in lines 1 and 34, the word “seven” and inserting in place thereof, in each instance,
477 the following figure:- 12.

478 SECTION 85. Said section 68 of said chapter 119, as so appearing, is hereby further
479 amended by striking out, in lines 2 and 52, the figure “18” and inserting in place thereof, in each
480 instance, the following words:- criminal majority.

481 SECTION 86. Said section 68 of said chapter 119, as so appearing, is hereby further
482 amended by striking out, in line 34, the words “18 years of age” and inserting in place thereof the
483 following words;- the age of criminal majority.

484 SECTION 87. Section 68A of said chapter 119, as so appearing, is hereby amended by
485 striking out, in line 1, the words “seven and 18 years of age” and inserting in place thereof the
486 following words:- 12 and the age of criminal majority.

487 SECTION 88. Section 70 of said chapter 119, as so appearing, is hereby amended by
488 striking out, in line 2, the words “18 years of age” and inserting in place thereof the following
489 words:- the age of criminal majority.

490 SECTION 89. Section 72 of said chapter 119, as so appearing, is hereby amended by
491 striking out, in lines 3 and 4, the words “their eighteenth birthday” and inserting in place thereof
492 the following words:- the age of criminal majority.

493 SECTION 90. Said section 72 of said chapter 119, as so appearing, is hereby further
494 amended by striking out, in lines 10 to 13, inclusive, the words “his eighteenth birthday, and is
495 not apprehended until between such child’s eighteenth and nineteenth birthday, the court shall

496 deal with such child in the same manner as if he has not attained his eighteenth birthday” and
497 inserting in place thereof the following words:- attaining the age of criminal majority, and is not
498 apprehended until between the birthday at which the child attained the age of criminal majority
499 and the child’s subsequent birthday, the court shall deal with the child in the same manner as if
500 the child has not attained the child’s age of criminal majority.

501 SECTION 91. Said section 72 of said chapter 119, as so appearing, is hereby further
502 amended by striking out, in line 18, the words “their eighteenth birthday” and inserting in place
503 thereof the following words:- the age of criminal majority.

504 SECTION 92. Section 72A of chapter 119, as so appearing, is hereby amended by
505 striking out, in lines 2 and 3, the words “his eighteenth birthday, and is not apprehended until
506 after his nineteenth birthday, the” and inserting in place thereof the following words:- attaining
507 the age of criminal majority, and is not apprehended until after attaining the first birthday
508 following the birthday at which the person attained the age of criminal majority the.

509 SECTION 93. Section 72B of said chapter 119, as so appearing, is hereby amended by
510 striking out, in lines 2 and 3 and 7 and 8, the words “his eighteenth birthday” and inserting in
511 place thereof the following words:- the person attains the age of criminal majority.

512 SECTION 94. Said section 72B of said chapter 119, as so appearing, is hereby further
513 amended by striking out, in line 25, the words “his eighteenth birthday” and inserting in place
514 thereof the following words:- the age of criminal majority.

515 SECTION 95. Said section 72B of said chapter 119, as so appearing, is hereby further
516 amended by striking out, in line 31, the words “his eighteenth birthday” and inserting in place
517 thereof the following words:- the person attaining the age of criminal majority.

518 SECTION 96. Section 74 of said chapter 119, as so appearing, is hereby amended by
519 striking out, in lines 3 and 4, the words “his eighteenth birthday” and inserting in place thereof
520 the following words:- the person attaining the age of criminal majority.

521 SECTION 97. Said section 74 of said chapter 119, as so appearing, is hereby further
522 amended by striking out, in line 10, the words “18 years of age” and inserting in place thereof the
523 following words:- the age of criminal majority.

524 SECTION 98. Said section 74 of said chapter 119, as so appearing, is hereby further
525 amended by striking out, in line 14, the figure “18” and inserting in place thereof the following
526 words:- criminal majority.

527 SECTION 99. Section 84 of said chapter 119, as so appearing, is hereby amended by
528 striking out, in lines 12 and 13, the word “seven and eighteen (or nineteen)” and inserting in
529 place thereof the following figure:- 12 and 19 (or 20).

530 SECTION 100. Said chapter 119 is hereby further amended by adding the following 2
531 sections:-

532 Section 86. (a) For the purposes of this section and section 87, the following words shall
533 have the following meanings unless the context clearly requires otherwise:

534 “Juvenile”, a person appearing before a division of the juvenile court department who is
535 subject to a delinquency, child requiring assistance or care and protection case, or a person under
536 the age of 21 in a youthful offender case.

537 “Restraints”, devices that limit voluntary physical movement of an individual, including
538 leg irons and shackles, that have been approved by the trial court department.

539 (b) A juvenile shall not be placed in restraints during court proceedings and any restraints
540 shall be removed prior to the appearance of a juvenile before the court at any stage of any
541 proceeding unless the justice presiding in the courtroom issues an order and makes specific
542 findings on the record that: (i) restraints are necessary because there is reason to believe that a
543 juvenile presents an immediate and credible risk of escape that cannot be curtailed by other
544 means; (ii) a juvenile poses a threat to the juvenile’s own safety or to the safety of others; or (iii)
545 restraints are reasonably necessary to maintain order in the courtroom.

546 (c) The court officer charged with custody of a juvenile shall report any security concerns
547 to the presiding justice. On the issue of courtroom or courthouse security, the presiding justice
548 may receive information from the court officer charged with custody of a juvenile, a probation
549 officer or any source determined by the court to be credible.

550 The authority to use restraints shall reside solely within the discretion of the presiding
551 justice at the time that a juvenile appears before the court. A juvenile court justice shall not
552 impose a blanket policy to maintain restraints on all juveniles or a specific category of juveniles
553 who appear before the court.

554 Section 87. A child against whom a complaint is brought under this chapter may
555 participate in a community-based restorative justice program pursuant to the requirements of
556 chapter 276B.

557 SECTION 101. Section 16 of chapter 119A of the General Laws, as appearing in the
558 2016 Official Edition, is hereby amended by inserting after the word “obligor”, in line 44, the
559 following words:- ; provided, however, that the IV-D agency has no evidence of the obligor
560 residing at an address other than the address last known by the IV-D agency; provided further,

561 that the IV-D agency shall not notify a licensing authority unless the child support arrearage
562 exceeds an amount equal to 8 weeks obligation or \$500, whichever is greater.

563 SECTION 102. Chapter 120 of the General Laws is hereby amended by inserting after
564 section 10 the following section:-

565 Section 10B. A person detained by and committed to the department of youth services
566 shall not be placed in involuntary room confinement as a consequence for noncompliance,
567 punishment or harassment or in retaliation for any conduct.

568 SECTION 103. Section 15 of said chapter 120, as appearing in the 2016 Official Edition,
569 is hereby amended by striking out, in line 3 and line 4, the figure "18" and inserting in place
570 thereof, in each instance, the following words:- the age of criminal majority.

571 SECTION 104. Section 21 of said chapter 120, as so appearing, is hereby amended by
572 striking out, in line 17, the words "18 years of age" and inserting in place thereof the following
573 words:- the age of criminal majority.

574 SECTION 105. Section 1 of chapter 127 of the General Laws, as so appearing, is hereby
575 amended by inserting after the definition of "Commissioner" the following 3 definitions:

576 "Disciplinary detention", disciplinary restrictive housing placement for a period not to
577 exceed 15 days in a state correctional facility or 10 days in a county correctional facility for any
578 given offense, during which canteen and visitation privileges may be diminished.

579 "Disciplinary restrictive housing", a placement in restrictive housing for disciplinary
580 purposes after a finding has been made that the prisoner has committed a breach of discipline.

581 "Exigent circumstances", circumstances that create an unacceptable risk to the safety of
582 any person.

583 SECTION 106. Said section 1 of said chapter 127, as so appearing, is hereby further
584 amended by inserting after the definition of "Parole board" the following definition:-

585 "Placement review", a multidisciplinary review to determine whether, notwithstanding
586 any previous finding of a disciplinary breach or exigent circumstances or other circumstances
587 supporting a placement in restrictive housing, restrictive housing is still necessary to reasonably
588 manage risks of harm.

589 SECTION 107. Said section 1 of said chapter 127, as so appearing, is hereby further
590 amended by inserting after the definition of "Residential treatment unit" the following
591 definition:-

592 "Restrictive Housing," a housing placement where a prisoner is confined to a cell for
593 over 22 hours per day.

594 SECTION 108. Section 4 of said chapter 127 is hereby repealed.

595 SECTION 109. Section 28 of said chapter 127, as appearing in the 2016 Official Edition,
596 is hereby amended by inserting after the word "twenty-three" in line 4, the following words:- , of
597 the fingerprint-based state identification number.

598 SECTION 110. Said chapter 127 is hereby amended by striking out sections 39 and 39A,
599 as so appearing, and inserting in place thereof the following 6 sections:

600 Section 39. (a) Subject to the limits of this section and section 39A of chapter 127, the
601 superintendent of any state correctional facility or the administrator of any county correctional

602 facility may authorize the confinement in a restrictive housing unit of any prisoner for the
603 purpose of disciplining the prisoner or if the prisoner's retention in general population poses an
604 unacceptable risk: (i) to the safety of others; (ii) of self-harm; (iii) of damaging or destroying
605 property; or (iv) to the operation of a correctional facility.

606 (b) In addition to meeting all standards defined by the department of public health,
607 restrictive housing units shall provide: (i) meals that meet the same standards defined by the
608 commissioner as for general population prisoners; (ii) access to showers at least 3 days per week;
609 (iii) rights of visitation and communication by those properly authorized, which authorization
610 may be diminished during disciplinary detention; (iv) access to reading and writing materials
611 unless clinically contraindicated; (v) access to a radio or television if confinement exceeds 30
612 days; (vi) periodic mental and psychiatric examinations under the supervision of the department
613 of mental health; (vii) such medical and psychiatric treatment as may be clinically indicated
614 under the supervision of the department of mental health; (viii) the same access to canteen
615 purchases and privileges to retain property in their cells as prisoners in the general population at
616 the same facility, except during disciplinary detention or where inconsistent with the security of
617 the unit; (ix) the same access to disability accommodations as prisoners in general population
618 except where inconsistent with the security of the unit; and (x) other rights and privileges as may
619 be established or recognized by the commissioner.

620 (c) Before placement in restrictive housing, all inmates shall be screened by a qualified
621 mental health professional to determine whether restricted housing is clinically contraindicated
622 based on clinical standards adopted by the department of correction and clinical judgment.

623 (d) A qualified mental health professional shall make rounds in every restricted housing
624 unit and may conduct an out-of-cell meeting with any inmate for whom a confidential meeting is
625 warranted in the clinician's professional judgment. Inmates shall be evaluated by a qualified
626 mental health professional in accordance with clinical standards adopted by the department of
627 correction and clinical judgment.

628 Section 39A. (a) A prisoner shall not be held in restrictive housing if a finding has been
629 made pursuant to subsection (c) or (d) of section 39 or otherwise that restrictive housing is
630 clinically contraindicated unless, not later than 72 hours of the finding, the commissioner or
631 designee or the sheriff or designee certifies in writing: (i) the reason why the prisoner may not be
632 safely held in the general population; (ii) that there is no available placement in a secure
633 treatment unit; (iii) efforts that are being undertaken to find appropriate housing; (iv) the status
634 of such efforts; and (v) anticipated time frame for resolution. A copy of the written certification
635 must be provided to the prisoner.

636 (b) The perception that a prisoner is lesbian, gay, bisexual, transgender, queer or intersex
637 or has a gender identity or expression or sexual orientation uncommon in general population
638 shall not be grounds for placement in restrictive housing.

639 (c) If a prisoner needs to be separated from general population to protect the prisoner
640 from harm by others, the prisoner shall not be placed in restricted housing, but shall be placed in
641 a housing unit that provides approximately the same conditions, privileges, amenities and
642 opportunities as in general population; provided, however, that the prisoner may be placed in
643 restricted housing for not more than 72 hours while suitable housing is located. A prisoner shall
644 not be held in restrictive housing for the prisoner's own safety for more than 72 hours unless the

645 commissioner or designee or the sheriff or designee certifies in writing: (i) the reason why the
646 prisoner may not be safely held in the general population; (ii) that there is no available placement
647 in a unit comparable to general population; (iii) efforts that are being undertaken to find
648 appropriate housing; (iv) the status of such efforts; and (v) anticipated time frame for resolution.
649 A copy of the written certification must be provided to the prisoner.

650 (d) A prisoner shall not be confined to restrictive housing except pursuant to section 39 or
651 this section.

652 Section 39B. (a) All prisoners confined to restrictive housing shall receive placement
653 reviews on the following intervals and may receive them more frequently:

654 (i) If a prisoner is being held in restrictive housing after a finding pursuant to subsections
655 (c) or (d) of section 39, every 72 hours;

656 (ii) If a prisoner is being held in restrictive housing for the prisoner's own safety, every
657 72 hours;

658 (iii) If a prisoner is awaiting adjudication of an alleged disciplinary breach, every 15
659 days;

660 (iv) If a prisoner has been committed to disciplinary restrictive housing, every 6 months;

661 and

662 (v) If any other prisoner is held in restrictive housing, every 90 days.

663 (b) After a placement review, the prisoner shall be retained in restrictive housing only if
664 the prisoner is determined to pose an unacceptable risk as provided in subsection (a) of section

665 39 or if the commissioner or designee or the sheriff or designee re-certifies in writing the
666 findings required by subsection (a) or subsection (c) of section 39A.

667 (c) If a prisoner's placement in restrictive housing may reasonably be expected to last
668 over 60 days, the prisoner shall: (i) have 24 hours written notice of placement reviews; (ii) have
669 the opportunity to participate in reviews in person or in writing; (iii) upon review, if no
670 placement change is ordered be provided, a written statement of reasons; (iv) within 15 days of
671 initial placement and upon placement review, if no placement change is ordered, be advised as to
672 behavior standards and program participation goals that will increase the prisoner's chances of a
673 less restrictive placement upon next placement review.

674 (d) A prisoner who is committed to a secure treatment unit following an allegation or
675 finding of a disciplinary breach shall receive placement reviews at intervals not less than as
676 frequently as if the prisoner were confined to restrictive housing.

677 (e) The commissioner shall promulgate regulations to define standards and procedures to
678 maximize out-of-cell activities in restrictive housing and to maximize outplacements from
679 restrictive housing consistent with the safety of all persons.

680 Section 39C. The commissioner, after consultation with the sheriffs of the several
681 counties, shall promulgate regulations governing the training and qualifications of correction
682 officers, supervisors and managers deployed to restrictive housing.

683 Section 39D. (a) The commissioner shall publish monthly the number of prisoners held in
684 each restrictive housing unit within each state or county correctional facility.

685 (b) The commissioner shall publish quarterly as to each restrictive housing unit within
686 each state or county correctional facility: (i) the number of prisoners as to whom a finding of
687 serious mental illness has been made and the number of such prisoners held over 30 days; (ii) the
688 number of prisoners who have committed suicide or committed non-lethal acts of self-harm; (iii)
689 the number of prisoners according to the reason for their restrictive housing; (iv) as to prisoners
690 in disciplinary restrictive housing, a listing of prisoners with name redacted, including
691 institutional identifying number, age, race, gender and ethnicity, whether or not they have an
692 open mental health case and stating the date of their commitment to discipline, the length of their
693 term and a summary of the reasons for their commitment; (v) the count of prisoners released to
694 the community directly or within 30 days of release from restricted housing; and (vi) such
695 additional information as the commissioner may determine.

696 (c) The administrators of county correctional facilities shall furnish to the commissioner
697 all information that the commissioner deems necessary to support reporting under this section.

698 Section 39E. Prisoners held in restrictive housing for periods greater than 60 days shall
699 have substantially equivalent access to vocational, educational and rehabilitative programs as the
700 general population to the extent consistent with the safety and security of the unit and shall
701 receive good time for participation at the same rates as the general population.

702 SECTION 111. Sections 40 and 41 of said chapter 127 are hereby repealed.

703 SECTION 112. Said chapter 127 is hereby further amended by inserting after section 119
704 the following section:-

705 Section 119A.(a) As used in this section, the following words shall have the following
706 meanings unless the context clearly requires otherwise:

707 “Conditional medical parole plan”, a comprehensive written medical and psychosocial
708 care plan that is specific to the prisoner which shall include, but shall not be limited to including:
709 (i) the proposed course of treatment and post-treatment care; (ii) the proposed site for treatment
710 and post-treatment care; (iii) documentation showing that qualified providers are prepared to
711 provide treatment and post-treatment care; and (iv) the financial program in place to cover the
712 cost of the plan for the duration of the conditional medical parole which shall include eligibility
713 for enrollment in commercial insurance or in Medicare or Medicaid or with access to other
714 adequate financial resources for the duration of the conditional medical parole.

715 “Department”, the department of correction.

716 “Permanent incapacitation”, an irreversible physical incapacitation, as determined by a
717 licensed physician, that is a result of a medical condition that was unknown at the time of
718 sentencing, diagnosed after the time of sentencing or, since the time of sentencing, has
719 progressed such that the prisoner does not pose a public safety risk.

720 “Secretary”, the secretary of public safety and security.

721 “Terminal illness”, an incurable condition, as determined by a licensed physician, which
722 is caused by an illness or disease that was unknown at the time of sentencing, diagnosed after the
723 time of sentencing or, since the time of sentencing, has progressed, that will likely cause the
724 death of the prisoner within 18 months and that is so debilitating that the prisoner does not pose a
725 public safety risk.

726 (b) Notwithstanding any general or special law to the contrary and except as otherwise
727 provided in this section, a prisoner may be eligible for conditional medical parole due to a

728 terminal illness or permanent incapacitation under the procedures described in subsections (c)
729 and (d).

730 (c)(1)The superintendent of a correctional facility shall consider a prisoner for
731 conditional medical parole upon a written request by the prisoner, the prisoner’s attorney, the
732 prisoner’s next of kin, the commissioner’s medical provider or a member of the department’s
733 staff. The superintendent shall review the request and make a recommendation to the
734 commissioner within 21 days after receipt of the request.

735 (2) If the superintendent recommends conditional medical parole, the commissioner shall
736 petition the parole board for an order permitting the prisoner to be released within 10 days after
737 receipt of the recommendation. The commissioner shall notify, in writing, the district attorney
738 and the prisoner, the prisoner’s attorney, the prisoner’s next of kin or the member of the
739 department’s staff requesting the release and, if applicable under chapter 258B, the victim or the
740 victim’s family that the prisoner is being considered for conditional medical parole. The parties
741 receiving the notice shall have an opportunity to be heard through a written or oral statement as
742 to the release of the prisoner at hearing provided for in subsection (e). The commissioner shall
743 file an affidavit with the petition confirming that the notice has been provided. The
744 commissioner shall file with the petition a conditional medical parole plan and an assessment of
745 the prisoner’s medical and psychosocial condition and the risk the prisoner poses to society
746 which shall include:

747 (i) a written diagnosis by a physician licensed to practice medicine under section 2 of
748 chapter 112; provided, however, that the physician shall be employed by the department or shall
749 be a contract provider used by the department for the evaluation and treatment of prisoners; and

750 provided further, that the written diagnosis shall include: (A) a description of the terminal illness
751 or permanent incapacitation; and (B) a prognosis concerning the likelihood of recovery from the
752 terminal illness or permanent incapacitation; and

753 (ii) an assessment of the risk for violence and recidivism that the prisoner poses to
754 society.

755 (3) If the superintendent denies a request for conditional medical parole, the
756 superintendent shall provide to the prisoner or to the prisoner's attorney, the prisoner's next of
757 kin or the member of the department's staff that requested the release of a prisoner for
758 conditional medical parole on behalf of the prisoner a statement, in writing, of the reason for the
759 denial. A prisoner electing to appeal a denial made by the superintendent shall file an appeal with
760 the commissioner within 30 days after receiving notice of the denial.

761 (d)(1) A sheriff shall consider a prisoner for conditional medical parole upon a written
762 request filed by the prisoner, the prisoner's attorney, the prisoner's next of kin, the sheriff's
763 medical provider or a member of the sheriff's staff. The sheriff shall review the request and
764 develop a recommendation as to the release of the prisoner.

765 (2) Whether or not the sheriff recommends in favor of conditional medical parole, the
766 sheriff shall, within 21 days after receipt of the request, transmit on the prisoner's behalf a
767 petition to the parole board for an order permitting the prisoner to be released together with the
768 sheriff's recommendation. The sheriff shall notify, in writing, the district attorney and the
769 prisoner, the prisoner's attorney, the prisoner's next of kin or the member of the sheriff's staff
770 requesting the release and, if applicable under chapter 258B, the victim or the victim's family
771 that the prisoner is being considered for conditional medical parole. The parties receiving the

772 notice shall have an opportunity to be heard through a written or oral statement as to the release
773 of the prisoner at a hearing provided for in subsection (e). The sheriff shall file an affidavit with
774 the petition confirming that the notice has been provided. The sheriff shall file with the petition a
775 conditional medical parole plan and an assessment of the prisoner's medical and psychosocial
776 condition and the risk the prisoner poses to society which shall include:

777 (i) a written diagnosis by a physician licensed to practice medicine under section 2 of
778 chapter 112; provided, however, that the physician shall be employed by the department or the
779 sheriff's office or by a hospital or medical facility used by the department or the sheriff's office
780 for the evaluation and treatment of prisoners; and provided further, that the written diagnosis
781 shall include: (A) a description of the terminal illness or permanent incapacitation; and (B) a
782 prognosis concerning the likelihood of recovery from the terminal illness or permanent
783 incapacitation; and

784 (ii) an assessment of the risk for violence and recidivism that the prisoner poses to
785 society.

786 (e) The parole board shall conduct a public hearing not later than 15 days after its receipt
787 of the commissioner's or sheriff's petition and shall issue a written decision within 30 days
788 thereafter. The parole board's written decision shall be accompanied by a statement of reasons
789 for the decision, including a determination of each issue of fact or law necessary to the decision.
790 The parole board shall, upon making a determination that a prisoner is terminally ill or
791 permanently incapacitated, release a prisoner under conditional medical parole. A prisoner
792 granted release under this section shall be under the jurisdiction, supervision and control of the
793 parole board. The parole board shall impose terms and conditions for conditional medical parole

794 that shall apply through the date upon which the prisoner's sentence would have expired. These
795 conditions shall include, but not be limited to, a requirement that:

796 (i) the released prisoner's care shall be consistent with the care specified in the
797 conditional medical parole plan approved by the board;

798 (ii) the released prisoner shall cooperate with and comply with the prescribed conditional
799 medical parole plan and with the reasonable requirements of medical providers to whom the
800 released prisoner is to be referred for continued treatment;

801 (iii) the released prisoner shall comply with any other conditions of release set by the
802 board.

803 If the prisoner eligible for conditional medical parole pursuant to this section was
804 convicted and serving a sentence pursuant to section 1 of chapter 265, the full membership of the
805 parole board shall conduct the hearing unless a member of the board is determined to be
806 unavailable. For the purposes of this section, the term "unavailable" shall mean that a board
807 member has a conflict of interest to the extent that the board member cannot render a fair and
808 impartial decision or that the appearance of a board member would be unduly burdensome
809 because of illness, incapacitation or other circumstance. Whether a member is unavailable under
810 this section shall be determined by the chair. A parole hearing shall not proceed for a prisoner
811 serving a sentence pursuant to said section 1 of said chapter 265 unless a majority of the board is
812 present at the hearing. For prisoners convicted and serving a sentence pursuant to said section 1
813 of said chapter 265, a vote of 2/3 of the members present is required to grant conditional medical
814 parole. The parole board shall provide reasonable accommodations for prisoners appearing

815 before it for a conditional medical parole hearing under this section which shall include, but not
816 limited to, video teleconferencing when appropriate.

817 Not less than 24 hours before the date of a prisoner's release on conditional medical
818 parole, the parole board shall notify, in writing, the district attorney, the department of state
819 police, the police department in the city or town in which the released prisoner shall reside and,
820 if applicable under chapter 258B, the victim or the victim's family of the prisoner's release and
821 the terms and conditions of the release.

822 The parole board may revise, alter or amend the terms and conditions of a conditional
823 medical parole at any time. If a parole officer receives credible information that a prisoner has
824 failed to comply with a reasonable condition of the prisoner's release or upon discovery that the
825 terminal illness or permanent incapacitation has improved to the extent that the prisoner would
826 no longer be eligible for conditional medical parole under this section, the parole officer shall
827 immediately arrest a prisoner and bring the prisoner before the board for a hearing. If the board
828 subsequently determines that the prisoner violated a condition of the prisoner's conditional
829 medical parole or that the terminal illness or permanent incapacitation has improved to the extent
830 that the prisoner would no longer be eligible for conditional medical parole pursuant to this
831 section, the prisoner shall resume serving the balance of the sentence with credit given only for
832 the duration of the prisoner's conditional medical parole that was served in compliance with all
833 reasonable conditions set pursuant to this subsection. Revocation of a prisoner's conditional
834 medical parole due to a change in the prisoner's medical condition shall not preclude a prisoner's
835 eligibility for conditional medical parole in the future or for another form of release permitted by
836 law.

837 (f) A prisoner, commissioner or sheriff aggrieved by a decision denying conditional
838 medical parole made under this section may petition for relief pursuant to section 4 of chapter
839 249. A decision by the court affirming the parole board's denial of conditional medical parole
840 shall not affect a prisoner's eligibility for any other form of release permitted by law. A decision
841 by the court pursuant to this subsection shall be final but shall be subject to appeal in the manner
842 provided for appeal of civil proceedings. A decision under this subsection shall not preclude a
843 prisoner's eligibility for conditional medical parole in the future.

844 (g) The commissioner and the secretary shall promulgate rules and regulations necessary
845 to implement this section.

846 (h) The commissioner, sheriffs and the secretary shall educate, inform and train
847 employees on the requirements of this section and shall provide those employees with
848 appropriate resources and services to implement this section.

849 (i) The commissioner, the secretary and the parole board shall together file an annual
850 report not later than March 1 with the clerks of the senate and the house of representatives, the
851 chairs of the senate and house committees on ways and means and the senate and house chairs of
852 the joint committee on the judiciary detailing: (i) each prisoner in the custody of the department
853 who is receiving treatment for a terminal illness and each prisoner in the custody of the
854 department who is receiving treatment for a permanent incapacitation, including the race and
855 ethnicity of the prisoner, the offense for which the prisoner was sentenced and a detailed
856 description of the prisoner's physical and mental condition; provided, however, that identifying
857 information shall be withheld from the report; (ii) the number of prisoners in the custody of the
858 department or of the sheriffs who applied for conditional medical parole under this section and

859 the race and ethnicity of each applicant; (iii) the number of prisoners who have been granted
860 conditional medical parole and the race and ethnicity of each prisoner granted release for the
861 prior fiscal year and the total to date; (iv) the nature of the illness of the applicants for
862 conditional medical parole; (v) the counties to which the prisoners have been released; (vi) the
863 nature of the placement pursuant to the conditional medical parole plan; (vii) the categories of
864 reasons for denial for prisoners who have been denied conditional medical parole; (viii) the
865 number of prisoners who have petitioned for conditional medical parole more than once; (ix) the
866 number of prisoners released who have been returned to the custody of the department or the
867 sheriff and the reasons for those returns; and (x) the number of petitions for relief sought under
868 subsection (f).

869 SECTION 113. Section 130 of said chapter 127, as appearing in the 2016 Official
870 Edition, is hereby amended by striking out, in line 47, the words “, provided, however, that” and
871 inserting in place thereof the following words:- ; provided, however, that the terms and
872 conditions shall not include payment of a supervision fee; and provided further, that.

873 SECTION 114. Section 133A of said chapter 127, as so appearing, is hereby amended by
874 striking out, in line 5, the words “18 years” and inserting in place thereof the following words:-
875 criminal majority.

876 SECTION 115. Said section 133A of said chapter 127, as so appearing, is hereby further
877 amended by adding the following paragraph:-

878 If a prisoner is indigent and is serving a life sentence for an offense which was committed
879 before the prisoner reached the age of criminal majority, the prisoner shall have the right to have

880 appointed counsel at the parole hearing and shall have the right to funds for experts as
881 determined by the standards in chapter 261.

882 SECTION 116. Section 133C of said chapter 127, as so appearing, is hereby amended by
883 striking out, in line 7, the words “18 years” and inserting in place thereof the following words:-
884 criminal majority.

885 SECTION 117. Section 144 of said chapter 127, as so appearing, is hereby amended by
886 striking out, in line 3, the words “thirty dollars”, and inserting in place thereof the following
887 figure:- \$90.

888 SECTION 118. Said chapter 127 is hereby further amended by striking out section 145,
889 as so appearing, and inserting in place thereof the following section:-

890 Section 145. (a) A justice of a trial court shall not commit a person to a prison or place of
891 confinement solely for the nonpayment of money owed if such person has shown by a
892 preponderance of the evidence that the person is not able to pay without causing substantial
893 financial hardship to such person or the family or dependents thereof. A court shall determine if
894 a substantial financial hardship exists at a hearing where it shall consider the person’s
895 employment status, earning ability, financial resources, living expenses and any special
896 circumstances that may affect the person’s ability to pay.

897 (b) A justice of trial court shall not commit a person to a prison or place of confinement
898 solely for the nonpayment of money owed if the person was not offered counsel for the
899 commitment portion of the case. A person determined to be indigent for the purposes of the offer
900 of counsel shall not be assessed a fee for the assistance of counsel.

901 (c) A justice of the trial court shall consider alternatives to incarceration before
902 committing a person to a prison or place of confinement solely for nonpayment of a fine or any
903 expenses.

904 (d) A justice of the trial court shall not commit a juvenile to a prison, place of
905 confinement or the department of youth services solely for the nonpayment of money.

906 SECTION 119. Section 10 of chapter 209A of the General Laws, as so appearing, is
907 hereby amended by striking out the third sentence and inserting in place thereof the following
908 sentence:- In the discretion of the court, the assessment may be reduced or waived if the court
909 finds that the person is indigent or that payment of the assessment would cause substantial
910 financial hardship to the person or the person's family or dependents.

911 SECTION 120. Chapter 211B of the General Laws is hereby amended by adding the
912 following section:-

913 Section 22. For the purposes of updating the criminal history record, the trial court shall
914 electronically send to the department of state police all criminal case disposition information for
915 the offender appearing in court, including sealing and expungement orders and dismissals,
916 together with the corresponding offense-based tracking number and fingerprint-based state
917 identification number, to the extent that the convicted individual has been assigned such numbers
918 and such numbers have been provided to the court.

919 SECTION 121. Section 2A of chapter 211D of the General Laws, as appearing in the
920 2016 Official Edition, is hereby amended by striking out subsections (f) to (i), inclusive, and
921 inserting in place thereof the following subsection:-

922 (f) The office of the commissioner of probation shall submit quarterly reports to the
923 house and senate committees on ways and means that shall include, but not be limited to: (i) the
924 number of individuals claiming indigency who are determined to be indigent; (ii) the number of
925 individuals claiming indigency who are determined not to be indigent; (iii) the number of
926 individuals found to have misrepresented wage, tax or asset information; (iv) the number of
927 individuals found to no longer qualify for appointment of counsel upon any re-assessment of
928 indigency required by this section; (v) the total number of times an indigent misrepresentation
929 fee was collected and the aggregate amount of indigent misrepresentation fees collected; (vi) the
930 total number of times indigent but able to contribute counsel fees were collected and waived and
931 the aggregate amount of indigent but able to contribute counsel fees collected and waived; (vii)
932 the average indigent but able to contribute counsel fee that each court division collects; (viii) the
933 total number of times an indigent but able to contribute fee was collected and waived and the
934 aggregate amount of indigent but able to contribute fees collected and waived; (ix) the highest
935 and lowest indigent but able to contribute fee collected in each court division; and (x) other
936 pertinent information to ascertain the effectiveness of indigency verification procedures. The
937 information within such reports shall be delineated by court division, and delineated further by
938 month.

939 SECTION 122. Subsection (f) of said section 2A of said chapter 211D, as so appearing,
940 is hereby amended by striking out, in lines 106, 108 , 110 and 112, the figure “\$150” and
941 inserting in place thereof, in each instance, the following figure:- \$100.

942 SECTION 123. Said subsection (f) of said section 2A of said chapter 211D, as so
943 appearing, is hereby amended by striking out, in lines 106, 108 , 110 and 112, the figure “\$150”
944 and inserting in place thereof, in each instance, the following figure:- \$50.

945 SECTION 124. Section 7 of chapter 212 of the General Laws, as so appearing, is hereby
946 amended by inserting after the first sentence the following sentence:- An indictment for any
947 offense shall be accompanied by an offense-based tracking number and fingerprint-based state
948 identification number of the defendant when the corresponding charges result from an arrest.

949 SECTION 125. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby
950 amended by inserting after the word “sixty-six”, in line 25, the following words:- , section 13B
951 of chapter 268.

952 SECTION 126. Said section 26 of said chapter 218, as so appearing, is hereby further
953 amended by inserting after the word “age” in line 26, the following words:- , conspiracy under
954 section 7 of chapter 274, solicitation to commit a felony under section 8 of said chapter 274.

955 SECTION 127. Said chapter 218 is hereby further amended by inserting after section 32
956 the following section:-

957 Section 32A. An application for a criminal complaint submitted to the district court by a
958 police department against a person arrested for or charged with an offense shall be accompanied
959 by an offense-based tracking number or OBTN. For the purposes of this section, an “OBTN”
960 shall be a unique number assigned by the agency for such arrest or charge. The OBTN format
961 shall be according to the policies of the department of state police and the department of criminal
962 justice information services.

963 An otherwise valid application for a complaint submitted by a police department against
964 a person arrested shall not preclude the issuance of a complaint merely because the application
965 does not include an arrestee's OBTN. If a complaint is issued based on an application for a
966 complaint submitted by a police department against a person arrested that did not include the

967 arrestee's OBTN, the prosecutor shall submit the OBTN of the defendant to the court to be
968 included in the case file.

969 SECTION 128. Section 20 of chapter 233 of the General Laws, as appearing in the 2016
970 Official Edition, is hereby amended by striking out clause Fourth and inserting in place thereof
971 the following clause:-

972 Fourth, Except in a proceeding before an inquest, grand jury, trial of an indictment or
973 complaint or any other criminal, delinquency or youthful offender proceeding where the victim
974 in the proceeding is not a family member and does not reside in the family household, neither a
975 parent nor a minor child of a parent shall testify against the other; provided, however, that for the
976 purposes of this clause, "parent" shall mean the biological or adoptive parent, stepparent, foster
977 parent, legal guardian or any other person who has the right to act in loco parentis for the child;
978 and provided further, that in cases where the victim is a family member and resides in the family
979 household, the parent shall not testify as to any communication with the child that was for the
980 purpose of seeking advice regarding the child's legal rights.

981 SECTION 129. Section 13 of chapter 250 of the General Laws, as so appearing, is hereby
982 amended by striking out, in line 3, the figure "18" and inserting in place thereof the following
983 words:- criminal majority.

984 SECTION 130. Section 8 of chapter 258B of the General Laws, as so appearing, is
985 hereby amended by striking out, in lines 38 to 40, inclusive, the words "severe financial hardship
986 upon the person against whom the assessment is imposed", and inserting in place thereof the
987 following words:- substantial financial hardship upon the person against whom the assessment is
988 imposed or upon the person's family or dependents.

989 SECTION 131. Section 2 of chapter 258E of the General Laws, as so appearing, is
990 hereby amended by striking out, in line 7, the figure “18” and inserting in place thereof the
991 following words:- criminal majority.

992 SECTION 132. Chapter 263 of the General Laws is hereby amended by striking out
993 section 1A, as so appearing, and inserting in place thereof the following section:-

994 Section 1A. Whoever is arrested by virtue of process or is taken into custody by an
995 officer and is charged with the commission of a felony or misdemeanor shall be fingerprinted
996 according to the system of the department of state police and photographed. The fingerprints and
997 photographs shall be immediately forwarded to the department of state police to allow a
998 biometric positive identification. The fingerprint record shall be suitable for comparison and
999 shall include an offense-based tracking number, completed description of the offenses charged
1000 and other descriptors as required.

1001 The executive office of public safety and security may audit police departments for
1002 compliance with this section. The executive office may also issue a temporary waiver from the
1003 requirements of this section for a defined period of time to a police department that
1004 demonstrates, upon application to the executive office, that it has inadequate resources to
1005 implement this section.

1006 SECTION 133. Section 1 of chapter 263A of the General Laws, as so appearing, is
1007 hereby amended by striking out the definition of “Critical witness” and inserting in place thereof
1008 the following definition:-

1009 “Critical witness”, a person who is participating, has participated or is reasonably
1010 expected to participate in a criminal investigation, motion hearing, trial, show cause hearing or

1011 other criminal proceeding or a proceeding involving an alleged violation of conditions of
1012 probation or parole or the commitment of a sexually dangerous person pursuant to chapter 123A
1013 or who has received a subpoena requiring such participation who is, or was, in the judgment of
1014 the prosecuting officer, a necessary witness at any of the aforementioned proceedings and who is
1015 or may be endangered by such person's participation in any of the aforementioned proceedings;
1016 provided, however, that "critical witness" shall also include such person's relatives, guardians,
1017 friends or associates who are or may be endangered by the person's participation in any of the
1018 aforementioned proceedings.

1019 SECTION 134. Section 2 of chapter 265 of the General Laws, as so appearing, is hereby
1020 amended by striking out, in line 7, the words "person's eighteenth birthday" and inserting in
1021 place thereof the following words:- person attained the age of criminal majority.

1022 SECTION 135. Said chapter 265 is hereby further amended by striking out section 13, as
1023 so appearing, and inserting in place thereof the following section:-

1024 Section 13. (a) Except as hereinafter provided, whoever is found guilty of manslaughter
1025 shall be punished by imprisonment in the state prison for not more than 20 years or by a
1026 imprisonment in a house of correction for not more than 2 1/2 years and a fine of not more than
1027 \$1,000. Whoever is found guilty of manslaughter while committing a violation of any provision
1028 of section 102 to 102C, inclusive, of chapter 266 shall be punished by imprisonment in the state
1029 prison for life or for any term of years.

1030 (b) A corporation that is found guilty of manslaughter shall be punished by a fine of not
1031 less than \$250,000. If a corporation is found guilty under this section, the appropriate

1032 commissioner or secretary may debar the corporation under section 29F of chapter 29 for not
1033 more than 10 years.

1034 SECTION 136. Said chapter 265 is hereby further amended by striking out section 13B,
1035 as so appearing, and inserting in place thereof the following section:-

1036 Section 13B. Whoever is found guilty of indecent assault and battery on a minor under
1037 the age of 14 shall be punished by imprisonment in the state prison for not more than 10 years or
1038 by imprisonment in a house of correction for not more than 2½ years. A prosecution commenced
1039 under this section shall neither be continued without a finding nor placed on file. In a prosecution
1040 under this section, a minor under the age of 14 years shall be deemed incapable of consenting to
1041 any conduct of the defendant for which such defendant is being prosecuted unless: (i) the
1042 defendant is not more than 3 years older than the minor; or (ii) the defendant is not more than 2
1043 years older than the minor if the minor is under 12 years of age.

1044 Notwithstanding section 54 of chapter 119 or any other general or special law to the
1045 contrary, in a prosecution under this section in which the defendant is under the age of criminal
1046 majority at the time of the offense, the commonwealth shall only proceed by a complaint in
1047 juvenile court or in a juvenile session of a district court.

1048 SECTION 137. Section 15A of said chapter 265, as so appearing, is hereby amended by
1049 striking out, in line 24, the words “18 years of age” and inserting in place thereof the following
1050 words:- who has attained the age of criminal majority.

1051 SECTION 138. Said section 15A of said chapter 265, as so appearing, is hereby further
1052 amended by striking out, in line 46, the words “is 18 years of age or older” and inserting in place
1053 thereof the following words:- has attained the age of criminal majority.

1054 SECTION 139. Section 15B of said chapter 265, as so appearing, is hereby amended by
1055 striking out, in line 24, the words “18 years of age or older” and inserting in place thereof the
1056 following words:-who has attained the age of criminal majority

1057 SECTION 140. Section 18 of said chapter 265, as so appearing, is hereby amended by
1058 striking out, in line 26 and 27, the words “18 years of age or older” and inserting in place thereof
1059 the following words:- who has attained the age of criminal majority.

1060 SECTION 141. Section 18B of said chapter 265, as so appearing, is hereby amended by
1061 striking out, in lines 43 and 44, the figure“18 years of age or over” and inserting in place thereof
1062 the following words:- who has attained the age of criminal majority.

1063 SECTION 142. Section 19 of said chapter 265, as so appearing, is hereby amended by
1064 striking out, in lines 23 and 24, the words “18 years of age or over” and inserting in place thereof
1065 the following words:-who has attained the age of criminal majority.

1066 SECTION 143. Said chapter 265 is hereby further amended by striking out section 23, as
1067 so appearing, and inserting in place thereof the following section:-

1068 Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor
1069 under 16 years of age and: (i) the defendant is more than 4 years older than the minor; (ii) the
1070 minor is under 15 years of age and the defendant is more than 3 years older than the minor; or
1071 (iii) the minor is under 12 years of age and the defendant is more than 2 years older than the
1072 minor shall be punished by imprisonment in the state prison for life or for any term of years or,
1073 except as otherwise provided, for any term of years in a jail or house of correction; provided,
1074 however, that a prosecution commenced under this section shall not be placed on file or
1075 continued without a finding.

1076 Notwithstanding section 54 of chapter 119 or any other general or special law to the
1077 contrary, in a prosecution under this section in which the defendant is under the age of criminal
1078 majority at the time of the offense, the commonwealth shall only proceed by a complaint in
1079 juvenile court or in a juvenile session of a district court.

1080 SECTION 144. Section 43 of said chapter 265, as so appearing, is hereby amended by
1081 striking out, in lines 56 and 89, the words “18 years of age or over” and inserting in place
1082 thereof, in each instance, the following words:- who has attained the age of criminal majority.

1083 SECTION 145. The second paragraph of section 47 of said chapter 265, as so appearing,
1084 is hereby amended by striking out the last sentence and inserting in place thereof the following
1085 sentence:- The court may waive the fees if an offender establishes that the fees would cause a
1086 substantial financial hardship upon the offender or the offender’s family or dependents.

1087 SECTION 146. Section 30 of chapter 266, as so appearing, is hereby amended by striking
1088 out, in lines 9, 13 and 14, 77 and 82, the words “two hundred and fifty dollars” and inserting in
1089 place thereof, in each instance, the following figure:- \$1,500.

1090 SECTION 147. Said section 30 of said chapter 266, as so appearing, is hereby further
1091 amended by striking out, in lines 15 to 23, the words “property was stolen from the conveyance
1092 of a common carrier or of a person carrying on an express business, shall be punished for the
1093 first offence by imprisonment for not less than six months nor more than two and one half years,
1094 or by a fine of not less than fifty nor more than six hundred dollars, or both, and for a subsequent
1095 offence, by imprisonment for not less than eighteen months nor more than two and one half
1096 years, or by a fine of not less than one hundred and fifty nor more than six hundred dollars, or
1097 both” and inserting in place thereof the following words:- value of the property stolen exceeds

1098 \$250 but is not more than \$500, shall be punished by imprisonment in a jail or house of
1099 correction for not more than 1 year or by a fine of not more than \$500; or, if the value of the
1100 property stolen exceeds \$500 but is not more than \$1,000, shall be punished by imprisonment in
1101 a jail or house of correction for not more than 1 year or by a fine of not more than \$1,000; or, if
1102 the value of the property stolen exceeds \$1,000 but is not more than \$1,500, shall be punished by
1103 imprisonment in a jail or house of correction for not more than 1 year or by a fine of not more
1104 than \$2,500.

1105 SECTION 148. Said section 30 of said chapter 266, as so appearing, is hereby further
1106 amended by adding the following paragraph:-

1107 (6) A law enforcement officers may arrest without a warrant any person that the officer
1108 has probable cause to believe has committed an offense under this section and the value of the
1109 property stolen exceeds \$250.

1110 SECTION 149. Section 30A of said chapter 266, as so appearing, is hereby amended by
1111 striking out, in lines 35 and 42, and in lines 46 and 47, the words “one hundred dollars” and
1112 inserting in place thereof, in each instance, the following figure:- \$250.

1113 SECTION 150. Section 37A of said chapter 266, as so appearing, is hereby amended by
1114 striking out the definition of “Credit card” and inserting in place thereof the following
1115 definition:-

1116 “Credit card”, an instrument or device, whether known as a credit card, credit plate or any
1117 other name or the code of number used to identify that instrument or device or an account of
1118 credit or cash accessed by that instrument or device, issued with or without a fee by an issuer for

1119 the use of the cardholder in obtaining money, goods, services or anything else of value on
1120 credit or by debit from a cash account.

1121 SECTION 151. Section 37B of said chapter 266, as so appearing, is hereby amended by
1122 striking out, in lines 24 and 25, 29 and 30, 37 and 38 and 45 and 46, the words “two hundred and
1123 fifty dollars” and inserting in place thereof, in each instance, the following figure:- \$1,500.

1124 SECTION 152. Said section 37B of said chapter 266, as so appearing, is hereby further
1125 amended by striking out, in lines 49 and 50, the words “five hundred dollars” and inserting in
1126 place thereof the following figure:- \$3,000.

1127 SECTION 153. Said section 37B of said chapter 266, as so appearing, is hereby further
1128 amended by striking out the last paragraph and inserting in place thereof the following
1129 paragraph:-

1130 A law enforcement officer may arrest without a warrant any person that the officer has
1131 probable cause to believe has committed an offense under this section and the value of the
1132 property stolen exceeds \$250.

1133 SECTION 154. Section 37C of said chapter 266, as so appearing, is hereby amended by
1134 striking out, in lines 12, 17 and 23, and in lines 31 and 32, the words “two hundred and fifty
1135 dollars” and inserting in place thereof, in each instance, the following figure:- \$1,500.

1136 SECTION 155. Said section 37C of said chapter 266, as so appearing, is hereby further
1137 amended by striking out, in lines 39 and 40, the words “two thousand dollars” and inserting in
1138 place thereof the following figure:- \$5,000.

1139 SECTION 156. Said section 37C of said chapter 266, as so appearing, is hereby further
1140 amended by striking out the last paragraph and inserting in place thereof the following
1141 paragraph:-

1142 A law enforcement officer may arrest without warrant any person that the officer has
1143 probable cause to believe has committed an offense under this section and the value of the
1144 property stolen exceeds \$250.

1145 SECTION 157. Section 60 of said chapter 266, as so appearing, is hereby amended by
1146 striking out, in lines 13, 16 and 20, the figure “\$250” and inserting in place thereof, in each
1147 instance, the following figure:- \$1,500.

1148 SECTION 158. Said section 60 of said chapter 266, as so appearing, is hereby further
1149 amended by striking out, in line 15, the figure “\$1,000” and inserting in place thereof the
1150 following figure:- \$2,500.

1151 SECTION 159. Said section 60 of said chapter 266, as so appearing, is hereby further
1152 amended by adding the following paragraph:-

1153 A law enforcement officer may arrest without warrant any person that the officer has
1154 probable cause to believe has committed an offense under this section and the value of the
1155 property stolen exceeds \$250.

1156 SECTION 160. Section 126A of said chapter 266, as so appearing, is hereby amended by
1157 striking out the second paragraph.

1158 SECTION 161. Section 126B of chapter 266 of the General Laws, as so appearing, is
1159 hereby amended by striking out the second paragraph.

1160 SECTION 162. Section 127 of said chapter 266, as so appearing, is hereby amended by
1161 striking out, in line 13, the words “two hundred and fifty dollars” and inserting in place thereof
1162 the following figure:- \$1,500.

1163 SECTION 163. Chapter 268 of the General Laws is hereby amended by striking out
1164 section 13B, as so appearing, and inserting in place thereof the following section:-

1165 Section 13B. (a) Whoever willfully, either directly or indirectly: (i) threatens or attempts
1166 or causes physical, emotional or economic injury or property damage to; (ii) conveys a gift, offer
1167 or promise of anything of value to; or (iii) misleads, intimidates or harasses another person who
1168 is a: (A) witness or potential witness; (B) person who is or was aware of information, records,
1169 documents or objects that relate to a violation of a criminal law or a violation of conditions of
1170 probation, parole, bail or other court order; (C) judge, juror, grand juror, attorney, victim witness
1171 advocate, police officer, federal agent, investigator, clerk, court officer, court reporter, court
1172 interpreter, probation officer or parole officer; (D) person who is or was attending or a person
1173 who had made known an intention to attend a proceeding described in this section; or (E) family
1174 member of a person described in this section, with the intent to or with reckless disregard for the
1175 fact that it may: (1) impede, obstruct, delay, prevent or otherwise interfere with: (I) a criminal
1176 investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a
1177 trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or
1178 probation violation proceeding; or (II) an administrative hearing or a probate or family court
1179 proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-
1180 ordered mediation or any other civil proceeding of any type; or (2) punish, harm or otherwise
1181 retaliate against any such person described in this section for such person or such person's family
1182 member's participation in any of the proceedings described in this section, shall be punished by

1183 imprisonment in the state prison for not more than 10 years or by imprisonment in the house of
1184 correction for not more than 2-1/2 years or by a fine of not less than \$1,000 or more than \$5,000
1185 or by both such fine and imprisonment. If the proceeding in which the misconduct is directed at
1186 is the investigation or prosecution of a crime punishable by life imprisonment or the parole of a
1187 person convicted of a crime punishable by life imprisonment, such person shall be punished by
1188 imprisonment in the state prison for life or for any term of years.

1189 (b) As used in this section, “investigator” shall mean an individual or group of
1190 individuals lawfully authorized by a department or agency of the federal government or any
1191 political subdivision thereof or a department or agency of the commonwealth or any political
1192 subdivision thereof to conduct or engage in an investigation of prosecution for or defense of a
1193 violation of the laws of the United States or of the commonwealth in the course of such
1194 individual’s or group’s official duties.

1195 (c) As used in this section, “harass” shall mean to engage in any act directed at a specific
1196 person or group of persons that seriously alarms or annoys such person or group of persons and
1197 would cause a reasonable person or group of persons to suffer substantial emotional distress
1198 including, but not limited to, an act conducted by mail or by use of a telephonic or
1199 telecommunication device or electronic communication device including, but not limited to, a
1200 device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature,
1201 transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical
1202 system including, but not limited to, electronic mail, internet communications, instant messages
1203 and facsimile communications.

1204 (d) A prosecution under this section may be brought in the county in which the criminal
1205 investigation, trial or other proceeding was being conducted or took place or in the county in
1206 which the alleged conduct constituting the offense occurred.

1207 SECTION 164. Section 10 of chapter 269 of the General Laws, as appearing in the 2016
1208 Official Edition, is hereby amended by striking out, in line 53, the words “18 years of age or
1209 older” and inserting in place thereof the following words:- who has attained the age of criminal
1210 majority.

1211 SECTION 165. Said section 10 of said chapter 269, as so appearing, is hereby further
1212 amended by striking out, in line 55, the words “ages fourteen and 18” and inserting in place
1213 thereof the following words:- age 14 and the age of criminal majority.

1214 SECTION 166. Said section 10 of said chapter 269, as so appearing, is hereby further
1215 amended by striking out, in lines 223 and 255, the words “18 years of age or over” and inserting
1216 in place thereof the following words:- who has attained the age of criminal majority”.

1217 SECTION 167. Section 10E of said chapter 269, as so appearing, is hereby amended by
1218 striking out, in lines 40 and 41, the words “18 years of age or over” and inserting in place thereof
1219 the following words:- who has attained the age of criminal majority.

1220 SECTION 168. Said section 10E of said chapter 269, as so appearing, is hereby further
1221 amended by striking out, in line 42, the figure “18” and inserting in place thereof the following
1222 words:- the age of criminal majority.

1223 SECTION 169. Section 10F of said chapter 269, as so appearing, is hereby amended by
1224 striking out, in lines 4 and 28, the words “18 years of age or over” and inserting in place thereof
1225 the following words:- who has attained the age of criminal majority.

1226 SECTION 170. Said section 10F of said chapter 269, as so appearing, is hereby further
1227 amended by striking out, in line 32, the figure “18”and inserting in place thereof the following
1228 words:- criminal majority.

1229 SECTION 171. Said section 10F of said chapter 269, as so appearing, is hereby further
1230 amended by striking out, in line 50, the words“17 years of age” and inserting in place thereof the
1231 following words:- who has attained the age of criminal majority

1232 SECTION 172. Section 10G of chapter 269 of the General Laws, as so appearing, is
1233 hereby amended by striking out, in lines 34 and 35, the words “18 years of age or over” and
1234 inserting in place thereof the following words:- who has attained the age of criminal majority.

1235 SECTION 173. Section 4 of chapter 272 of the General Laws is hereby repealed.

1236 SECTION 174. Said chapter 272 is hereby further amended by striking out section 40, as
1237 so appearing, and inserting in place thereof the following section:-

1238 Section 40. Whoever willfully interrupts or disturbs an assembly of people meeting for a
1239 lawful purpose shall be punished by imprisonment for not more than 1month or by a fine of not
1240 more than \$50; provided, however, that an elementary or secondary school student shall not be
1241 charged, adjudicated delinquent or convicted for an alleged violation of this section for such
1242 conduct within school buildings or on school grounds or in the course of school-related events.

1243 SECTION 175. Section 53 of said chapter 272, as so appearing, is hereby amended by
1244 striking out subsection(b) and inserting in place thereof the following subsection:-

1245 (b) Disorderly persons and disturbers of the peace, for a first offense, shall be punished
1246 by a fine of not more than \$150; provided, however, that no such person who violates this
1247 subsection shall have a finding of delinquency entered against that person for a first offense. For
1248 a second or subsequent offense, such person shall be punished by imprisonment in a jail or house
1249 of correction for not more than 6 months or by a fine of not more than \$200 or by both such fine
1250 and imprisonment; provided, however, that an elementary or secondary school student shall not
1251 be charged, adjudicated delinquent or convicted for an alleged violation of this subsection for
1252 such conduct within school buildings or on school grounds or in the course of school-related
1253 events.

1254 SECTION 176. Section 6 of chapter 274 of the General Laws, as so appearing, is hereby
1255 amended by striking out, in lines 1 to3, inclusive, the words “by doing any act toward its
1256 commission, but fails in its perpetration, or is intercepted or prevented in its perpetration,” and
1257 inserting in place thereof the following:- as defined in section 6A.

1258 SECTION 177. Said chapter 274 is hereby further amended by inserting after section 6
1259 the following section:-

1260 Section 6A. (a) A person shall be guilty of an attempt to commit a crime if, acting with
1261 the intent otherwise required for commission of the crime, such person:

1262 (i) purposely engages in conduct that would constitute the crime if the attendant
1263 circumstances were as the person believes them to be;

1264 (ii) when causing a particular result is an element of the crime, does or omits to do
1265 anything with the purpose of causing or with the belief that it will cause such result without
1266 further conduct on his part; or

1267 (iii) purposely does or omits to do anything that, under the circumstances as the person
1268 believes them to be, is an act or omission constituting a substantial step in a course of conduct
1269 planned to culminate in that person's commission of the crime.

1270 (b) Conduct shall not be held to constitute a substantial step under clause (iii) of
1271 subsection (a) unless it is strongly corroborative of the actor's criminal purpose.

1272 (c) A person who engages in conduct designed to aid another to commit a crime that
1273 would establish such person's complicity if the crime were committed by such other person,
1274 shall be guilty of an attempt to commit a crime whether or not the crime is committed or
1275 attempted by such other person.

1276 (d) When the actor's conduct would otherwise constitute an attempt under subsection
1277 clause (2) or (3) of subsection (a), it shall be an affirmative defense that the actor abandoned the
1278 effort to commit the crime or otherwise prevented its commission under circumstances which
1279 clearly demonstrate a complete and voluntary renunciation of the actor's criminal purpose. The
1280 establishment of such a defense shall not affect the liability of an accomplice who did not join in
1281 such abandonment or prevention.

1282 Renunciation of criminal purpose shall not be deemed voluntary if it is motivated, in
1283 whole or in part, by circumstances, not present or apparent at the inception of the actor's course
1284 of conduct, that increase the probability of detection or apprehension or that make more difficult
1285 the accomplishment of the criminal purpose. Renunciation shall not be complete if it is

1286 motivated by a decision to postpone the criminal conduct until a more advantageous time or to
1287 transfer the criminal effort to another but similar objective or victim.

1288 SECTION 178. Said chapter 274 is hereby further amended by adding the following
1289 section:-

1290 Section 8. Whoever solicits, counsels, advises or otherwise entices another to commit a
1291 crime that may be punished by imprisonment in the state prison and who intends that the person,
1292 in fact, commit or procure the commitment of the crime alleged shall, except as otherwise
1293 provided, be punished:

1294 (i) by imprisonment in the state prison for not more than 20 years or in a jail or house of
1295 correction for not more than 2½ half years or by a fine of not more than \$10,000 or by both such
1296 fine and imprisonment if the intent of the solicitation, counsel, advice or enticement is a crime
1297 punishable by imprisonment for life;

1298 (ii) by imprisonment in the state prison for not more than 10 years or in a jail or house of
1299 correction for not more than 2½ years or by a fine of not more than \$10,000, or by both such fine
1300 and imprisonment if the intent of the solicitation, counsel, advice or enticement is a crime
1301 punishable by imprisonment in the state prison for at least 10 years;

1302 (iii) by imprisonment in the state prison for not more than 5 years or in a jail or house of
1303 correction for not more than 2½ years or by a fine of not more than \$5,000 or by both such fine
1304 and imprisonment if the intent of the solicitation, counsel, advice or enticement is a crime
1305 punishable by imprisonment in the state prison for at least 5 years but not more than 10 years; or

1306 (iv) by imprisonment for not more 2½ years in a jail or house of correction or by a fine of
1307 not more than \$2,000 or by both such fine and imprisonment, if the intent of the solicitation,
1308 counsel, advice or enticement is a crime punishable by imprisonment in the state prison for less
1309 than 5 years.

1310 If a person is convicted of a crime of solicitation, counsel, advice or enticement for which
1311 crime the penalty is expressly set forth in any other section of the General Laws, this section
1312 shall not apply and the penalty therefor shall be imposed pursuant to the other section of the
1313 General Laws.

1314 SECTION 179. Section 23A of chapter 276 of the General Laws, as appearing in the
1315 2016 Official Edition, is hereby amended by striking out, in lines 24 and 25, the words “and the
1316 registry of motor vehicles”.

1317 SECTION 180. Section 30 of said chapter 276, as so appearing, is hereby amended by
1318 striking out, in lines 5 and 6, the words “upon a finding of good cause by the court the fee may
1319 be waived” and inserting in place thereof the following words:- the court may waive the fee upon
1320 a finding of good cause or upon a finding that such a fee would cause a substantial financial
1321 hardship to the person or the person’s family or dependents.

1322 SECTION 181. Said section 30 of said chapter 276, as so appearing, is hereby further
1323 amended by striking out, in line 11, the words “such person is indigent” and inserting in place
1324 thereof the following words:- the fee would cause a substantial financial hardship to the person
1325 or the person’s family or dependents.

1326 SECTION 182. Section 42A of said chapter 276, as so appearing, is hereby amended by
1327 striking the first 6 paragraphs and inserting in place thereof the following paragraph:-

1328 As part of the disposition of any criminal complaint involving a crime of abuse, as that
1329 term is defined in section 1 of chapter 209A, the court may establish such terms and conditions
1330 of probation as will insure the safety of the person who has suffered such abuse or threat thereof
1331 and will prevent the recurrence of such abuse or threat thereof.

1332 SECTION 183. Said chapter 276 is hereby further amended by striking out sections 57 to
1333 59, inclusive, as so appearing, and inserting in place thereof the following 8 sections:-

1334 Section 57. (a) The following words, as used in sections 57 to 58C, shall have the
1335 following meanings unless the context clearly requires otherwise:

1336 "Controlled substance", the same meaning as ascribed to it in section 1 of chapter 94C;

1337 "Crime of abuse", a crime that involves assault and battery, trespass, threat to commit a
1338 crime, or any other complaint which involves the infliction, or the imminent threat of infliction,
1339 of physical harm upon a person by such person's family or household member as defined in
1340 section 1 of chapter 209A, any violation of an order issued pursuant to section 18 or 34B of
1341 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, section 15 or 20 of
1342 chapter 209C, or any act that would constitute abuse, as defined in section 1 of chapter 209A, or
1343 a violation sections 13M or 15D of chapter 265;

1344 "Dangerous crime", (i) a felony offense that has as an element of the offense the use,
1345 attempted use or threatened use of physical force against the person of another; (ii) burglary and
1346 arson; (iii) any other felony that, by its nature, involves a substantial risk that physical force
1347 against the person of another may result; (iv) a violation of an order pursuant to section 18, 34B
1348 or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15
1349 or 20 of chapter 209C; (v) a misdemeanor or felony involving abuse as defined in section 1 of

1350 chapter 209A; (vi) a violation of section 13B of chapter 268; (vii) a third or subsequent violation
1351 of section 24 of chapter 90; (viii) a violent crime as defined in section 121 of chapter 140 for
1352 which a term of imprisonment was served; (ix) a second or subsequent offense of felony
1353 possession of a weapon or machine gun under section 121 of chapter 140; (x) a violation of
1354 subsection (c) or subsection (m) of section 10 of chapter 269, except for any violation based on
1355 possession of a large capacity feeding device without simultaneous possession of a large capacity
1356 weapon; and (xii) a violation of section 10G of chapter 269.

1357 "Financial condition", a secured or unsecured bond.

1358 "Judicial officer", a judge or a clerk or assistant clerk of the superior, district, Boston
1359 municipal, juvenile, probate and family or housing court.

1360 "Personal surety", a person who agrees, to the satisfaction of the judicial officer, to ensure
1361 the appearance of a juvenile defendant.

1362 "Pretrial services", the pretrial services initiative established in section 58D.

1363 "Release order", an order releasing a defendant on personal recognizance or on
1364 conditions, regardless of whether the defendant has satisfied any financial condition.

1365 "Risk assessment tool", an empirically-developed uniform tool validated in the
1366 commonwealth that analyzes risk factors, created or chosen and implemented by pretrial services
1367 to produce the risk assessment classification for a defendant that will aid the judicial officer in
1368 making determinations under sections 58 to 58C, inclusive.

1369 "Secured bond", payment to the court of a specified amount of money which, in the
1370 discretion of the judicial officer, would reasonably assure the presence of a criminal defendant as
1371 required, taking into consideration the defendant's ability to pay.

1372 "Unsecured bond", a defendant's promise to pay to the court a specified amount of
1373 money if the defendant does not appear before the court on a date certain or fails to abide by any
1374 conditions of release set under section paragraph (1) of subsection (b) of section 58. The
1375 unsecured bond shall be in an amount that in the discretion of the judicial officer would
1376 reasonably assure the presence of a defendant as required, taking into consideration the
1377 defendant's ability to pay.

1378 (b) Upon the appearance before a judicial officer of a defendant charged with an offense,
1379 the judicial officer shall hold a hearing, at which the defendant and defendant's counsel, if any,
1380 may participate and inquire into the case, to determine whether the defendant shall be released or
1381 detained pending trial of the case as provided in this section and sections 58, 58A and 58B. At
1382 the hearing, the judicial officer shall have immediate access to all pending and prior criminal
1383 offender record information, board of probation records and police and incident reports related to
1384 the defendant, upon oral, telephonic, facsimile or electronic mail request, to the extent
1385 practicable. At the conclusion of the hearing, the judicial officer shall issue an order that,
1386 pending trial, the defendant shall be:

1387 (i) released on personal recognizance under section subsection (a) of section 58;

1388 (ii) released on financial or other conditions under paragraph (1) of subsection (b) of said
1389 section 58;

1390 (iii) detained or released on a condition or combination of conditions under section 58A;

1391 or

1392 (iv) temporarily detained for not more than 5 business days to permit revocation of
1393 conditional release under section 58B.

1394 (c)(1) A hearing under section 58 shall take place not later than the next day that the
1395 superior, district, Boston municipal or juvenile court in the appropriate jurisdiction is in session,
1396 provided, however, that if a case involves a crime of abuse as defined in section 1 of chapter
1397 209A, the commonwealth shall be the only party that may move for arraignment within 3 hours
1398 of a complaint being signed by a magistrate or a magistrate's designee; and provided further, that
1399 a defendant arrested, who has attained the age of 18 years, shall not be admitted to bail sooner
1400 than 6 hours after arrest except by a judge in open court.

1401 (2) A hearing under section 58A shall be held immediately upon the motion of the
1402 commonwealth unless the defendant, or an attorney for the commonwealth, seeks a continuance.
1403 Except for good cause shown, a continuance on motion of the defendant shall not exceed 5
1404 business days and a continuance on motion of an attorney for the commonwealth shall not
1405 exceed 3 business days. During a continuance, the individual shall be detained upon a showing
1406 that there existed probable cause to arrest the defendant. The commonwealth may move for an
1407 initial hearing under section said 58A at any time before disposition of the case. Once a hearing
1408 under said section 58A has been commenced, the defendant shall be detained pending
1409 completion of the hearing.

1410 (3) In any pending case where the defendant has been initially arraigned in the district,
1411 Boston municipal or juvenile court and is being subsequently arraigned in superior court for the

1412 same or related offenses arising out of the same incident, the superior court may conduct a new
1413 hearing under section 58 or, upon motion of the commonwealth, under section 58A; provided,
1414 however, that any order of the district, Boston municipal or juvenile court concerning the
1415 defendant issued under said section 58 or 58A shall remain in effect until the superior court
1416 issues a new order under said sections 58 or 58A. In any new hearing in the superior court, the
1417 judicial officer shall consider the defendant's compliance with any previously-ordered conditions
1418 of release or probation.

1419 (4) Any hearing under section 58 may be reopened by the judicial officer, any hearing
1420 under section 58A may be reopened by the judge and any hearing under either said section 58 or
1421 58A may be reopened upon motion of the commonwealth or the defendant if the judicial officer
1422 or judge determines by a preponderance of the evidence that: (i) information exists that was not
1423 known to the moving party at the time of the hearing or there has been a material change in
1424 circumstances; and (ii) such information or change in circumstances has a material bearing on
1425 the issue of whether the defendant's detention, defendant's release on conditions or conditions
1426 imposed on the defendant are necessary and sufficient to reasonably assure the appearance of
1427 the defendant as required and the safety of any other person and the community. In any such
1428 reopened hearing, the judicial officer shall consider the defendant's compliance with any
1429 previously-ordered conditions of release.

1430 Section 58.

1431 (a) The judicial officer shall order the pretrial release of the defendant on personal
1432 recognizance, subject to the condition that the defendant not commit a new offense during the
1433 period of release, unless the judicial officer determines, in the exercise of his or her discretion,

1434 that the release will not reasonably assure the appearance of the defendant as required or will
1435 endanger the safety of any other person or the community. Upon adoption of a risk assessment
1436 tool by the Massachusetts Probation Service, as set forth in section 58D, the judicial officer shall
1437 consult the risk assessment tool before making a determination pursuant to this section.

1438 (b) If the judicial officer determines, in the exercise of his or her discretion, that the
1439 release described in subsection (a) of this section will not reasonably assure the appearance of
1440 the defendant as required or will endanger the safety of any other person or the community:

1441 (1) the judicial officer shall order the pretrial release of the defendant subject to:

1442 (A) the condition that the defendant not commit a new offense during the period of
1443 release; and

1444 (B) Assuring appearance. the least restrictive further condition, or combination of
1445 conditions, that the judicial officer determines will reasonably assure the appearance of the
1446 defendant as required, which may include the condition or combination of conditions that the
1447 defendant during the period of release shall:

1448 (i) abide by specified restrictions on personal associations, place of abode, or travel;

1449 (ii) report on a regular basis to a designated law enforcement agency, pretrial services
1450 agency, or other agency;

1451 (iii) refrain from use of alcohol or marijuana or any controlled substance without a
1452 prescription by a licensed medical practitioner;

1453 (iv) submit to random testing to monitor compliance with any conditions ordered
1454 under the previous subsection; provided that a positive test for use of marijuana shall not be

1455 considered a violation of the conditions of pretrial release unless the judicial officer expressly
1456 prohibits the use or possession of marijuana as a condition of pretrial release;

1457 (v) comply with a specified curfew or home confinement;

1458 (vi) undergo medical, psychological, or psychiatric treatment, including treatment for
1459 substance or alcohol use disorder, if available, and remain in a specified institution if required for
1460 that purpose;

1461 (vii) submit to electronic monitoring, provided that any condition of electronic
1462 monitoring shall include either specified inclusion or exclusion zones or a curfew or a
1463 combination thereof;

1464 (viii) participate in pretrial programming at a community corrections center, as set forth
1465 in chapter 211F;

1466 (ix) provide an unsecured or secured bond to satisfy a financial condition that the judicial
1467 officer may specify, provided that for offenses that do not carry a penalty of incarceration, no
1468 secured bond may be ordered unless the defendant has previously failed to appear and
1469 consequently been required to pay an unsecured bond on that offense;

1470 (x) for a juvenile defendant, release to a personal surety;

1471 (xi) participate in a diversion program under chapter 276A, an alternative
1472 adjudication program, or a drug, mental health, veteran or other treatment court;

1473 (xii) satisfy any other condition that is reasonably necessary to assure the appearance of
1474 the defendant as required; and

1475 (C) Assuring safety. the least restrictive further condition, or combination of conditions,
1476 that the judicial officer determines will reasonably assure the safety of any other person and the
1477 community, which may include the condition or combination of conditions that the defendant
1478 during the period of release shall:

1479 (i) refrain from abusing and harassing an alleged victim of the offense and potential
1480 witness(es) who may testify concerning the offense;

1481 (ii) stay away from and have no contact with an alleged victim of the offense and with
1482 potential witness(es) who may testify concerning the offense;

1483 (iii) refrain from possessing a firearm, rifle, shotgun, destructive device, or other
1484 dangerous weapon;

1485 (iv) comply with a specified curfew or home confinement;

1486 (v) refrain from use of alcohol or marijuana or any controlled substance without a
1487 prescription by a licensed medical practitioner and submit to random testing for such alcohol or
1488 marijuana or controlled substance; provided that a positive test for use of marijuana shall not be
1489 considered a violation of the conditions of pretrial release unless the judicial officer expressly
1490 prohibits the use or possession of marijuana as a condition of pretrial release;

1491 (vi) undergo medical, psychological, or psychiatric treatment, including treatment for
1492 substance or alcohol use disorder, if available, and remain in a specified institution if required for
1493 that purpose;

1494 (vii) submit to electronic monitoring, provided that any condition of electronic
1495 monitoring shall include either specified inclusion or exclusion zones or a curfew or a
1496 combination thereof;

1497 (viii) satisfy any other condition that is reasonably necessary to assure the safety of any
1498 other person and the community.

1499 (2) When setting any conditions under paragraph (b)(1)(B) of this section, the judicial
1500 officer shall consider where relevant the following factors concerning the defendant:

1501 (A) any results of a risk assessment tool, when such tool is available as set forth in
1502 section 58E of this chapter;

1503 (B) financial resources;

1504 (C) family ties;

1505 (D) any record of convictions;

1506 (E) potential penalty the defendant faces;

1507 (F) any illegal drug distribution or present drug dependence;

1508 (G) any employment record;

1509 (H) any history of mental illness;

1510 (I) any flight to avoid prosecution or fraudulent use of an alias or false identification;

1511 (J) any failure to appear at any court proceedings to answer to an offense;

1512 (K) any prior violation of conditions of release or probation.

1513 (3) When setting any conditions under paragraph (b)(1)(C) of this section, the judicial
1514 officer shall consider where relevant the following factors concerning the defendant:

1515 (A) any factors listed in (b)(2)(B)-(K) of this section;

1516 (B) nature and circumstances of the offense charged;

1517 (C) whether the defendant is on release pending adjudication of a prior charge;

1518 (D) whether the acts alleged involve a crime of abuse;

1519 (E) any history of orders issued against the defendant pursuant to the sections referenced
1520 in the preceding subparagraph;

1521 (F) any risk that the defendant will obstruct or attempt to obstruct justice, or threaten,
1522 injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror;

1523 (G) whether the defendant is on probation, parole, or other release pending completion of
1524 sentence for any conviction; and

1525 (H) whether the defendant is on release pending sentence or appeal for any conviction.

1526 (4) Financial conditions

1527 (A) A judicial officer may not impose a financial condition to assure the safety of any
1528 other person or the community, but may impose a financial condition when necessary to
1529 reasonably assure the defendant's appearance as required.

1530 (B) Where a defendant represents in good faith that the defendant lacks sufficient
1531 financial resources to post any secured bond required by the judicial officer, such that the

1532 defendant will likely be detained pretrial, the judicial officer must provide findings of fact and a
1533 statement of reasons for the bail decision, either in writing or orally on the record, confirming
1534 that the judicial officer considered the defendant's financial resources and explaining why the
1535 defendant's risk of non-appearance is so great that no alternative, less restrictive financial or
1536 nonfinancial conditions will suffice to assure the defendant's presence at future court
1537 proceedings.

1538 (C) If, after 7 calendar days from the date of an order issued under this section, a
1539 defendant, other than a defendant for whom the judicial officer made findings as set forth in
1540 subsection (b)(4)(B) of this section, remains detained because of an inability to satisfy a financial
1541 condition, the defendant shall, upon application, be entitled to review of the financial condition
1542 by a judicial officer of the court with jurisdiction over the offense. If, after that review, the
1543 defendant remains detained because of an inability to satisfy a financial condition, the defendant
1544 shall, upon application, be entitled to review at 30 day intervals.

1545 (D) For any defendant for whom the judicial officer made findings as set forth in
1546 subsection (b)(4)(B) of this section, if, after 60 calendar days the defendant remains detained
1547 because of an inability to satisfy a financial condition, the defendant shall, upon application, be
1548 entitled to review of the financial condition by a judicial officer of the court with jurisdiction
1549 over the offense. If after that review, the defendant remains detained because of an inability to
1550 satisfy a financial condition, the defendant shall, upon application, be entitled to review at 90 day
1551 intervals.

1552 (E) If the judicial officer imposes a financial condition, the clerk of the court shall accept
1553 any money tendered in satisfaction of such financial condition during the regular business hours
1554 of that court.

1555 (5) Before ordering the release of any defendant charged with a crime against the person
1556 or property of another, the judicial officer shall comply with the domestic abuse inquiry
1557 requirements of section 56A of this chapter.

1558 (6) In a release order issued under this subsection, the judicial officer shall:

1559 (A) Include a written statement that sets forth all the conditions to which the release is
1560 subject, in a manner sufficiently clear and specific to serve as a guide for the defendant's
1561 conduct; and

1562 (B) If the defendant is not released on personal recognizance or unsecured bond, include
1563 a written summary of the reasons for denying such release and detailed reasons for imposing any
1564 financial condition; and

1565 (C) Advise the defendant of:

1566 (i) The consequences of violating a condition of release, including immediate arrest or
1567 issuance of a warrant for the defendant's arrest, revocation of release, and the potential that the
1568 defendant may face criminal penalties, including penalties for violating the witness intimidation
1569 statute, section 13B of chapter 268; and

1570 (ii) if the defendant is charged with a crime of abuse, informational resources related to
1571 domestic violence, which shall include, but are not limited to, a list of certified intimate partner
1572 abuse education programs located within or near the court's jurisdiction.

1573 (7) Whenever the judicial officer releases a defendant under this section, the court shall
1574 enter in writing on the court docket that the defendant was advised as required in subsection
1575 (b)(6)(C)(1) and that docket entry shall constitute prima facie evidence that the defendant was so
1576 informed.

1577 (8) In a case involving a crime of abuse, if the defendant is released from the place of
1578 detention, the arresting police department shall make a reasonable attempt to notify the victim of
1579 the defendant's release, or if the defendant is released by order of a court, the district attorney
1580 shall make a reasonable attempt to notify the victim of the defendant's release.

1581 Section 58A. (a)(1) Upon a motion of the attorney for the commonwealth, the judge shall
1582 hold a hearing to determine whether any condition in section 58 will reasonably assure the
1583 appearance of the defendant, as required, or the safety of any other person or the community, in a
1584 case that:

1585 (i) involves a dangerous crime, as that term is defined in section 57 or an offense under
1586 clause (3) of paragraph (b) of section 32E, clause (3) or (4) of paragraph (c) of said section 32E,
1587 paragraph (c ½) of said section 32E or section 32F of chapter 94C;

1588 (ii) the defendant has an open charge of any crime or offense listed in clause (i);

1589 (iii) the defendant has a conviction for any crime or offense listed in clause (i), unless the
1590 defendant has not been incarcerated for a criminal sentence for a crime or offense listed in said
1591 clause (i) within the previous 10 years;

1592 (iv) there is a serious risk that the defendant will obstruct or attempt to obstruct justice or
1593 threaten, injure or intimidate or attempt to threaten injure, or intimidate a law enforcement

1594 officer, an officer of the court or a prospective witness or juror in a criminal investigation or
1595 judicial proceeding; or

1596 (v) the defendant has been charged with a felony and there is a serious risk that the
1597 defendant will not appear as required, as demonstrated by prior non-appearance or evidence of
1598 plans to flee.

1599 (2) After a hearing pursuant to subsection (c), if the judge finds by clear and convincing
1600 evidence that no condition will reasonably assure the appearance of the defendant, as required, or
1601 the safety of any other person or the community, the judge shall order that the defendant be
1602 detained pending trial. If the judge does not find such clear and convincing evidence, the
1603 defendant shall be released, pursuant to section 58, on personal recognizance or unsecured bond
1604 or on such conditions as the judge determines to be necessary to reasonably assure the
1605 appearance of the defendant, as required, and the safety of another person or the community.

1606 (b) (1) At a hearing under paragraph (1) of subsection (a), the defendant shall:

1607 (i) have the right to be represented by counsel and, if financially unable to obtain such
1608 counsel, the defendant shall have counsel appointed;

1609 (ii) be afforded an opportunity to testify;

1610 (iii) be afforded an opportunity to present witnesses, to cross-examine witnesses who
1611 appear at the hearing and to present information by proffer or otherwise; provided, however, that
1612 before issuing a summons to an alleged victim or a member of the alleged victim's family to
1613 appear as a witness at the hearing, the defendant shall demonstrate to the court a good faith and
1614 reasonable basis for believing that the testimony from that witness will be material and relevant

1615 to support a conclusion that there are conditions of release that will reasonably assure the safety
1616 of another person or the community.

1617 (2) The law concerning admissibility of evidence in criminal trials shall not apply to the
1618 presentation and consideration of information at the hearing.

1619 (3) If a defendant has been released pursuant to section 58 and it subsequently appears
1620 that there are grounds for the defendant's pretrial detention under paragraph (1) of subsection (a),
1621 the attorney for the commonwealth may request a pretrial detention hearing by ex parte written
1622 motion. If the court grants the motion of the attorney for the commonwealth, notice shall be
1623 given to the defendant and the hearing shall occur as set forth in this section.

1624 (c) In determining whether there are conditions of release that will reasonably assure the
1625 appearance of the defendant, as required, and the safety of any other person and the community,
1626 a judge shall take into account information available concerning:

1627 (i) the factors listed in clauses (ii) and (iii) of subsection (b) of section 58;

1628 (ii) the weight of the evidence against the defendant; and

1629 (iii) the nature and seriousness of the danger to any person or the community that would
1630 be posed by the defendant's release.

1631 Upon adoption of a risk assessment tool by the office of probation, as set forth in section
1632 58E, the judge shall consult the risk assessment tool before making a determination pursuant to
1633 this section.

1634 (d) If after the hearing under this section, the judge determines that detention of the
1635 defendant is necessary under paragraph (2) of subsection (a), the judge shall issue an order that:

1636 (i) includes written findings of fact and a written statement of the reasons for the detention; (ii)
1637 directs that the defendant be committed to a correction facility separate, to the extent practicable,
1638 from persons serving sentences; and (iii) directs that the defendant be afforded reasonable
1639 opportunity for private consultation with counsel.

1640 If the judge releases the defendant, the order for release shall comply with section 58.

1641 (e) A defendant detained under this subsection shall be brought to trial as soon as
1642 reasonably possible, but in the absence of good cause, the defendant so held shall not be detained
1643 for a period exceeding 120 days, excluding any period of delay as defined in subdivision (b)(2)
1644 of Rule 36 of the Massachusetts Rules of Criminal Procedure. If the defendant's case has not
1645 been brought to trial or otherwise resolved by the end of that 120 day period, excluding any
1646 period of delay as defined above, the defendant shall be entitled to a de novo review of the
1647 detention order.

1648 (f) Nothing in this section shall be construed as modifying or limiting the presumption of
1649 innocence.

1650 Section 58B. (a) A defendant who has been released after a hearing pursuant to section
1651 58, 58A, 59 or 87 and who has violated a condition of release, shall be subject to a revocation of
1652 release and an order of detention.

1653 (b) The judge shall enter an order of revocation and detention if after a hearing the judge
1654 finds that there: (i) is probable cause to believe that the defendant has committed a dangerous
1655 crime while on release, that the defendant has committed any crime other than a dangerous crime
1656 while on release or there is clear and convincing evidence that the defendant has violated any
1657 other condition of release; and (ii) are no conditions of release that will reasonably assure the

1658 defendant will not pose a danger to the safety of any other person or the community or that the
1659 defendant is unlikely to abide by any condition or combination of conditions of release.

1660 (c) If the judge issues a release order under this section, the judge may order any
1661 condition or combination of conditions of release under clauses (ii) and (iii) of subsection (b) of
1662 section 58.

1663 (d) Upon the defendant's first appearance before the judge that will conduct proceedings
1664 for revocation of an order of release under this section, the hearing concerning revocation shall
1665 be held immediately unless the defendant or the attorney for the commonwealth seeks a
1666 continuance. During a continuance the defendant shall be detained without bail unless the judge
1667 finds that there are conditions of release that shall reasonably assure that the defendant will not
1668 pose a danger to the safety of any other person or the community and that the defendant will
1669 abide by conditions of release. If the defendant is detained without bail, a continuance on a
1670 motion of the defendant shall not exceed 5 business days, except for good cause, and a
1671 continuance on motion of the attorney for the commonwealth or probation shall not exceed 3
1672 business days, except for good cause. A defendant detained under an order of revocation and
1673 detention shall be brought to trial as soon as reasonably possible, but in the absence of good
1674 cause, a defendant so held shall not be detained for a period exceeding 90 days excluding any
1675 period of delay as defined in subdivision (b)(2) of Rule 36 of the Massachusetts Rules of
1676 Criminal Procedure.

1677 Section 58C. (a) A defendant who is released on conditions under section 58 or detained
1678 under section 58A pursuant to an order of the district court department, the Boston municipal
1679 court department or the juvenile court department, shall upon application be entitled to have the

1680 conditions or order of detention reviewed by the superior court department on the next day that
1681 court is in session.

1682 (b) A defendant who is released on conditions under section 58 or ordered detained under
1683 section 58A or who is the subject of an order under subsection (a) pursuant to an order of the
1684 superior court department, may seek relief from a single justice of the appeals court in
1685 extraordinary cases involving a clear and substantial abuse of discretion or clear and substantial
1686 error of law.

1687 (c) If a defendant detained under section 58A seeks review under this chapter, the
1688 reviewing court shall hear the petition as speedily as practicable but it shall not be more than 5
1689 business days after the defendant files the petition. The judge hearing the review may consider
1690 the record below which the commonwealth and the defendant may supplement. The reviewing
1691 judge may, after a hearing on the petition for review, order that the petitioner be released on
1692 personal recognizance or conditions or, in the judge's discretion to reasonably assure the
1693 effective administration of justice, make any other order of recognizance or conditions or remand
1694 the petitioner in accordance with the terms of the process by which the petitioner was ordered
1695 committed.

1696 Section 58D. (a) There shall be within the office of probation a pretrial services initiative,
1697 hereinafter referred to as pretrial services. Pretrial services shall be led by a supervisor of pretrial
1698 services. The supervisor shall be a person of ability and experience in the pretrial process, chosen
1699 and appointed by the commissioner of probation.

1700 (b) Pretrial services shall perform the following duties for the departments of the trial
1701 court of the commonwealth:

1702 (i) develop, in coordination with the court and other criminal justice agencies, programs
1703 to minimize unnecessary pretrial detention and violations of conditions of release set under
1704 section 58;

1705 (ii) monitor the local implementation of the pretrial services set forth in this section and
1706 maintain accurate and comprehensive records of pretrial services activities;

1707 (iii) provide notification to supervised defendants of court appearance obligations and, as
1708 needed, require periodic reporting by letter, telephone, electronic communication, personal
1709 appearance or by other means designated by pretrial services to verify compliance with
1710 conditions of release;

1711 (iv) assist defendants released prior to trial in securing appropriate employment, medical,
1712 drug, mental or other health treatment or other needed social services that may increase the
1713 defendant's chances of successful compliance with the conditions of release;

1714 (v) prepare a formal report of new charges against defendants released on conditions and
1715 present the same to the court and to the prosecuting officer who shall aid pretrial services in
1716 presenting such violations; and

1717 (vi) any other duties that the commissioner of probation deems necessary to support the
1718 operation of pretrial services.

1719 (c) Pretrial services may be provided by probation staff, including community correction
1720 staff, as determined by the commissioner of probation.

1721 (d) A defendant shall not be interviewed by pretrial services unless the defendant has
1722 been apprised of the identity and purpose of the interview, the scope of the interview, the right to

1723 counsel and the right to refuse cooperation. Inquiry of the defendant shall carefully exclude
1724 questions concerning the details of the current charge. Statements made by the defendant during
1725 the interview or evidence derived therefrom shall not be admissible against the defendant in any
1726 pending criminal prosecution, including in determining the defendant's guilt or the appropriate
1727 disposition, except that such statements and evidence may be used in determining appropriate
1728 conditions of release and conditions of probation.

1729 (e) The supervisor of pretrial services shall submit annual reports to the commissioner of
1730 probation, the chief justice of the trial court of the commonwealth, the court administrator and
1731 the chief justice of the supreme judicial court. The report shall include, but shall not limited to,
1732 where available: (i) analysis on demographics of the pretrial population including age, race and
1733 sex; (ii) appearance and default rates; (iii) conditions imposed upon release; (iv) caseload of the
1734 pretrial services initiative; (v) length of supervision; and (vi) any other analytical data deemed
1735 appropriate; provided, however, that any data included in the report is presented only in
1736 aggregated form and no individual can be identified by data included in the report.

1737 Section 58E. (a) Subject to appropriation, pretrial services shall create or choose a
1738 uniform risk assessment tool that analyzes risk factors to produce a risk assessment classification
1739 for a defendant that will aid the judicial officer in determining pretrial release or detention under
1740 sections 58, 58A, 58B and 58C. Any such tool shall be tested and validated in the
1741 commonwealth to identify and eliminate unintended economic, race, gender or other bias.

1742 Pretrial services shall: (i) establish procedures for screening defendants who are
1743 presented in court for a first appearance to assist the trial court in determining any appropriate
1744 conditions of release or detention under sections 58, 58A, 58B and 58C; (ii) record and, to the

1745 extent possible, verify information required by the risk assessment tool; and (iii) submit a written
1746 report to the judicial officer and to all parties and counsel of record which shall include the
1747 results of the risk assessment tool, the defendant's eligibility for diversion, treatment or other
1748 alternative adjudication programs and any recommendations concerning any appropriate
1749 conditions of release or detention under said sections 58 and 58A.

1750 (b) A representative of pretrial services shall, where feasible, be available at any hearing
1751 where the judicial officer will consider the pretrial services written report.

1752 (c) When ordered by the judicial officer, pretrial services shall monitor and supervise
1753 compliance with the conditions of release ordered under section 58 and, where appropriate, shall
1754 proceed under section 58B.

1755 (d) Records created concerning pretrial services, including aggregate data, shall not be
1756 considered criminal offender record information and shall be subject to the same limitations on
1757 disclosure as other records kept by the office of probation. Aggregate data created concerning
1758 pretrial services shall be available to the legislature. Subject to redaction for safety and third-
1759 party considerations, an individual shall have access to their own records and information
1760 collected or created by pretrial services.

1761 (e) The trial court of the commonwealth, in coordination with pretrial services, shall
1762 develop curriculum and make training opportunities available on a rolling basis to all judicial
1763 officers eligible to make decisions under sections 58, 58A and 59. The training shall include
1764 information on the risk assessment tools, risk assessment scoring and recommended supervision
1765 levels, conditions of release and any other information the trial court or the commissioner of the
1766 probation deems appropriate.

1767 Section 59. (a) As used in this section, the following words shall have the following
1768 meanings unless the context clearly requires otherwise:

1769 "Bail commissioner", a person other than a statutorily authorized magistrate or an
1770 assistant clerk of the superior court department appointed by the trial court of the commonwealth
1771 to admit to bail after court hours.

1772 "Bail magistrate", a clerk-magistrate or assistant clerk-magistrate of the district court
1773 department, Boston municipal court department, juvenile court department or housing court
1774 department or a clerk of court of the superior court department or an assistant clerk of the
1775 superior court department who has been approved by the trial court of the commonwealth to
1776 release people on bail.

1777 Other terms shall have the same meanings as the definitions in section 57 of this chapter.

1778 (b) If a person is arrested and charged with an offense, other than murder in the first or
1779 second degree or a crime of abuse, a bail commissioner or bail magistrate shall appear as soon as
1780 possible, but in no event shall a bail commissioner or bail magistrate appear more than 6 hours
1781 after the person's arrest unless the person lacks the capacity to understand and participate in the
1782 bail proceedings. If a person is arrested and charged with a crime of abuse, the bail
1783 commissioner or bail magistrate shall not appear sooner than 6 hours after the person's arrest, but
1784 shall appear as soon as possible thereafter.

1785 (c) The bail commissioner or bail magistrate shall order the pretrial release of a person on
1786 personal recognizance subject to the condition that the person not commit a new offense during
1787 the period of release, unless the bail commissioner or bail magistrate determines that release on

1788 personal recognizance will not reasonably assure the appearance of the person as required or will
1789 endanger the safety of any other person or the community.

1790 (d) If the bail commissioner or bail magistrate determines that the release described in
1791 subsection (c) will not reasonably assure the appearance of the person as required or will
1792 endanger the safety of any other person or the community, the bail commissioner or bail
1793 magistrate shall order the pretrial release of the person subject to the: (i) condition that the person
1794 not commit a new offense during the period of release; and (ii) least restrictive further condition
1795 or combination of conditions that the bail commissioner or bail magistrate determines will
1796 reasonably assure the appearance of the person as required and the safety of any other person and
1797 the community. This may include the condition or combination of conditions that the person
1798 during the period of release shall:

1799 (A) abide by specified restrictions on personal associations, place of abode or travel;

1800 (B) refrain from the use of alcohol or marijuana or any controlled substance without a
1801 prescription by a licensed medical practitioner;

1802 (C) comply with a specified curfew or home confinement;

1803 (D) refrain from abusing and harassing an alleged victim of the offense and potential
1804 witness who may testify concerning the offense;

1805 (E) stay away from and have no contact with an alleged victim of the offense or with a
1806 potential witness who may testify concerning the offense;

1807 (F) refrain from possessing a firearm, rifle, shotgun, destructive device or other
1808 dangerous weapon;

1809 (G) provide unsecured or secured bond to satisfy a financial condition that the bail
1810 commissioner or bail magistrate may specify; or

1811 (H) satisfy any other condition that is reasonably necessary to assure the appearance of
1812 the person as required or the safety of any other person or the community.

1813 (e) When setting conditions under subsection (d), the bail commissioner or bail
1814 magistrate shall consider, where relevant, the following factors concerning the person:

1815 (i) financial resources;

1816 (ii) family ties;

1817 (iii) any record of convictions;

1818 (iv) the potential penalty the person faces;

1819 (v) illegal drug distribution or present drug dependence;

1820 (vi) employment records;

1821 (vii) history of mental illness;

1822 (viii) the possibility of flight to avoid prosecution or fraudulent use of an alias or false
1823 identification;

1824 (ix) the failure to appear at any court proceedings to answer to a previous offense;

1825 (x) the nature and circumstances of the offense charged;

1826 (xi) if the person is on bail pending adjudication of a prior charge;

1827 (xii) if the acts alleged involve a crime of abuse as defined in section 57;

1828 (xiii) history of orders issued against the person pursuant to subsection (d) of this section;

1829 (xiv) the risk that the person will obstruct or attempt to obstruct justice or threaten, injure
1830 or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror;

1831 (xv) if the person is on probation, parole or other release pending completion of sentence
1832 for another conviction; and

1833 (xvi) if the person is on release pending sentence or appeal for another conviction.

1834 (f) Bail commissioners and bail magistrates shall not impose a financial condition to
1835 assure the safety of any other person or the community, but may impose a financial condition
1836 when necessary to reasonably assure the person's appearance as required. If the person
1837 represents in good faith that the person lacks sufficient financial resources to post the secured
1838 bond required by the bail commissioner or bail magistrate, such that the person will likely be
1839 detained until the next day that court is in session, the bail commissioner or bail magistrate may
1840 impose the secured bond only if the bail commissioner or bail magistrate confirms, in writing,
1841 that the bail commissioner or bail magistrate considered the person's financial resources and
1842 explains why the person's risk of non-appearance is so great that no alternative, less restrictive
1843 financial or nonfinancial conditions will suffice to assure the person's presence at future court
1844 proceedings.

1845 (g) Before issuing any release order under this section for a person who is released on
1846 bail pending adjudication of a prior charge or is on probation, the bail commissioner or bail

1847 magistrate shall contact the office of probation's electronic monitoring center to inform them of
1848 the person's arrest and charge.

1849 (h) In a release order issued under this section, the bail commissioner or bail magistrate
1850 shall advise the person of: (i) the consequences of violating a condition of release, including
1851 immediate arrest or issuance of a warrant for the person's arrest, revocation of release and the
1852 potential that the person may face criminal penalties, including penalties for violating the witness
1853 intimidation statute in section 13B of chapter 268; and (ii) informational resources related to
1854 domestic violence which shall include, but shall not be limited to, a list of certified intimate
1855 partner abuse education programs located within or near the court's jurisdiction if the person is
1856 charged with a crime of abuse.

1857 (i) In a case involving a crime of abuse, if the person is released from the place of
1858 detention, the arresting police department shall make a reasonable attempt to notify the victim of
1859 the person's release.

1860 (j) If a person is charged with a dangerous crime or a crime of abuse, the bail
1861 commissioner or bail magistrate shall order the person held until the next day that court is in
1862 session if the bail commissioner or bail magistrate determines that no condition or combination
1863 of conditions will reasonably assure the appearance of the person as required or the safety of any
1864 other person or the community.

1865 (k) When ordering detention under subsection (j), the bail commissioner or bail
1866 magistrate shall take into account information available concerning: (i) any relevant factors listed
1867 in subsection (e); (ii) the weight of the evidence against the person; and (iii) the nature and

1868 seriousness of the danger to any person or the community that would be posed by the person's
1869 release.

1870 (l) The terms and conditions of an order by the bail commissioner or bail magistrate shall
1871 remain in effect until the person is brought before the court for arraignment under sections 57, 58
1872 and 58A.

1873 (m) When a bail commissioner or bail magistrate releases a person on conditions under
1874 subsection (d), the bail commissioner or bail magistrate shall record the conditions and provide a
1875 copy of such conditions to the person and the detaining authority and shall transmit a copy to the
1876 court.

1877 (n) If a person released on conditions by a bail commissioner or bail magistrate under
1878 subsection (d) violates any such condition, that violation shall be enforceable under section 58B.

1879 (o) Nothing in this section shall be construed as modifying or limiting the presumption of
1880 innocence.

1881 (p) Bail commissioners and bail magistrates authorized to release a person on
1882 recognizance, release a person on conditions or to detain a person under this section shall be
1883 governed by rules established by the chief justice of the trial court of the commonwealth, subject
1884 to review by the supreme judicial court.

1885 (q) Nothing in this section shall authorize a bail commissioner or bail magistrate to
1886 release a person arrested and charged with first or second degree murder.

1887 SECTION 184. Section 61A of chapter 276 of the General Laws is hereby repealed.

1888 SECTION 185. Said chapter 276 is hereby further amended by striking out section 61B,
1889 as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

1890 Section 61B. No surety under this chapter shall be compensated for acting as such surety.

1891 SECTION 186. Section 79 of chapter 276 of the General Laws is hereby repealed.

1892 SECTION 187. Section 87 of said chapter 276 of the General Laws, as so appearing, is
1893 hereby amended by striking out, in line 7, the figure “18” and inserting in place thereof the
1894 following words:- criminal majority.

1895 SECTION 188. Said section 87 of said chapter 276, as so appearing, is hereby further
1896 amended by striking out, in lines 14 and 15, the words “was eighteen years of age or older” and
1897 inserting in place thereof the following words:- had attained the age of criminal majority.

1898 SECTION 189. The first paragraph of section 87A of said chapter 276, as so appearing, is
1899 hereby amended by adding the following sentence:-

1900 No person placed on probation shall be found to have violated a condition of probation
1901 solely on the basis of possession or use of a controlled substance as prescribed to that person by a
1902 health professional registered to prescribe a controlled substance pursuant to chapter 94C, acting
1903 within the lawful scope of the health professional’s practice and that has been lawfully dispensed
1904 pursuant to a valid prescription, or solely on the basis of possession or use of medical marijuana,
1905 obtained in compliance with and in quantities consistent with applicable state regulations, if that
1906 person received a written certification from a licensed physician for the use of medical marijuana
1907 to treat a debilitating medical condition and the person possesses a medical marijuana
1908 registration card issued by either the cannabis control commission, pursuant to chapter 94I of the

1909 General Laws, upon the execution of the transfer agreement between the department of public
1910 health and the Massachusetts cannabis control commission required pursuant to section 66 of
1911 chapter 55 of the acts of 2017 or on December 31, 2018, whichever occurs first or, prior to that
1912 time, by the department of public health, and if the quantity in the person's possession is not
1913 greater than the amount recommended in the physician's written certification.

1914 SECTION 190. Said section 87A of said chapter 276 of the General Laws, as so
1915 appearing, is hereby further amended by striking out the third paragraph and inserting in place
1916 thereof the following paragraph:-

1917 The court may waive payment of the fees if it determines after a hearing that such
1918 payment would constitute a substantial financial hardship to the person or the person's family.
1919 Following the hearing and upon a finding of hardship the court may require said person to
1920 perform unpaid community service work at a public or nonprofit agency or facility, as approved
1921 and monitored by the probation department, for no more than 4 hours per month in lieu of
1922 payment of a probation fee. A waiver shall be in effect only during the period of time that a
1923 person is unable to pay the monthly probation fee.

1924 SECTION 191. Said section 87A of said chapter 276 of the General Laws, as so
1925 appearing, is hereby further amended by striking out the eighth paragraph and inserting in place
1926 thereof the following paragraph:-

1927 The court may waive payment of the fee if it has determined, after a hearing, that the
1928 payment would constitute a substantial financial hardship to the person or the person's family. A
1929 waiver shall be in effect only for the duration of the period of time that the person is unable to
1930 pay the monthly probation fee.

1931 SECTION 192. Section 89A of said chapter 276 of the General Laws, as so appearing, is
1932 hereby amended by striking out the figure "18", in line 3, and inserting in place thereof the
1933 following words:- criminal majority.

1934 SECTION 193. Said chapter 276 of the General Laws is hereby amended by striking out
1935 section 92, as so appearing, and inserting in place thereof the following section:-

1936 Section 92. (a) In a criminal case where the victim has suffered an actual economic loss
1937 that is causally connected to a crime for which the defendant has been convicted after trial, has
1938 entered a plea of guilty or nolo contendere, or has admitted to sufficient facts to warrant a finding
1939 of guilt, the court may order the defendant to make financial restitution to the victim for such
1940 loss as a condition of probation as set forth in this section. As used in this section, "defendant"
1941 includes a delinquent child or youthful offender, and "actual economic loss" means the loss of
1942 money or property, excluding consequential damages or costs.

1943 (b) Before ordering restitution pursuant to this section, the court shall determine the
1944 appropriate length of any probationary period to be served by the defendant, based on the amount
1945 of time necessary to rehabilitate the defendant and protect the public. The court shall not order a
1946 longer probationary period to enable the defendant to make restitution, except that, where the
1947 court determines that there is no reason to impose probation other than to collect restitution, the
1948 court may impose a probationary period of 60 days or less for that purpose.

1949 (c) Before ordering restitution pursuant to this section, the court shall also conduct an
1950 evidentiary hearing and make findings concerning (1) the amount of actual economic loss
1951 suffered by the victim that is causally connected to the defendant's crime, and (2) the amount of
1952 restitution that the defendant can pay monthly without causing substantial financial hardship,

1953 taking into account the defendant's financial resources, including the defendant's income and net
1954 assets, and the defendant's financial obligations, including the amount necessary to meet basic
1955 human needs such as food, shelter, and clothing for the defendant and his or her dependents. At
1956 such hearing, the victim may testify regarding the amount of the loss, and the defendant may
1957 cross-examine the victim, with such cross-examination limited to the issue of restitution. The
1958 defendant may rebut the victim's estimate of the amount of loss with expert testimony or other
1959 evidence. The commonwealth shall bear the burden of proving by a preponderance of the
1960 evidence the amount of the actual economic loss suffered by the victim that is causally connected
1961 to the defendant's crime. The defendant shall bear the burden of proving by a preponderance of
1962 the evidence his inability to pay. The hearing need not address issues as to which the
1963 commonwealth and the defendant have reached an agreement that has been presented to the
1964 court, whether by written stipulation or as part of the defendant's plea of guilty or nolo
1965 contendere or admission to sufficient facts to warrant a finding of guilt. Any agreement
1966 between the commonwealth and the defendant concerning the amount of the victim's actual
1967 economic loss shall be docketed by the clerk.

1968 (d) The total amount of restitution ordered by the court shall not exceed the lesser of: (i)
1969 the amount of actual economic loss suffered by the victim that is causally connected to the
1970 defendant's crime; and (ii) the amount of restitution that the defendant can pay monthly without
1971 causing substantial financial hardship, multiplied by the total number of months of probation
1972 ordered by the court in accord with subsection (b).

1973 (e) If the defendant is placed on probation with a condition that he pay restitution to the
1974 victim, and payment is not made at once, the court may order that payment shall be made to the
1975 clerk of the court, who shall give receipts for and keep record of all payments made to him, pay

1976 the money to the person injured and keep his receipt therefor, and notify the probation officer
1977 whenever the full amount of the money is received or paid in accordance with such order or with
1978 any modification thereof.

1979 (f) The court may modify the probation condition regarding the payment of restitution
1980 based on any material change in the defendant's financial circumstances.

1981 (g) Whenever the court orders the defendant to make restitution under this section, the
1982 court may also issue a civil judgment in favor of the victim and against the defendant for the
1983 amount of the victim's actual economic loss that is causally connected to the defendant's crime,
1984 less the amount of restitution that the defendant has been ordered to pay. Upon the expiration or
1985 revocation of the defendant's probation, the victim or the commonwealth may, with notice to the
1986 defendant, request the court to amend the civil judgment to include any amount of restitution that
1987 the defendant has failed to pay in accord with the restitution order.

1988 (h) Alternatively, if the court does not order the defendant to make restitution under
1989 subsection (a), the court may, upon the request of the commonwealth, issue a civil judgment in
1990 favor of the victim and against the defendant for the amount of the victim's actual economic loss
1991 that is causally connected to the defendant's crime, provided that (1) the defendant has agreed to
1992 the amount of such loss as part of the defendant's plea of guilty or nolo contendere or admission
1993 to sufficient facts to warrant a finding of guilt, or (2) the court has determined the amount of
1994 such loss after a hearing as provided in subsection (c).

1995 (i) A civil judgment issued under subsections (f) or (g) shall be enforceable by the victim,
1996 or the commonwealth acting on behalf of the victim, in the same manner as any other civil
1997 judgment. In addition to the amount of the civil judgment, the victim shall be entitled to recover

1998 from the defendant reasonable attorney's fees and costs incurred in enforcing or executing such
1999 civil judgment.

2000 (j) A civil judgment issued under subsections (f) or (g) shall be dischargeable in
2001 bankruptcy.

2002 (k) Nothing herein shall bar the victim from seeking recovery from the defendant in any
2003 other civil proceeding, provided that any amount recovered by the victim pursuant to the court's
2004 restitution order or the civil judgment issued under subsections (f) or (g) shall be set off against
2005 any other civil claim by the victim for the same actual economic loss.

2006 SECTION 194. Section 100A of said chapter 276 of the General Laws, as so appearing,
2007 is hereby amended by striking out, in lines 9, 14, and 21, the figure "5" and inserting in place
2008 thereof, in each instance, the following figure:- 3.

2009 SECTION 195. Said section 100A of said chapter 276 of the General Laws, as so
2010 appearing, is hereby further amended by striking out, in lines 12, 15, and 22, the figure "10" and
2011 inserting in place thereof, in each instance, the following figure:- 7.

2012 SECTION 196. Said section 100A of said chapter 276 of the General Laws, as so
2013 appearing, is hereby further amended by inserting after the figure "268A", in line 28, the
2014 following words:- , except for convictions for resisting arrest.

2015 SECTION 197. Said section 100A of said chapter 276 of the General Laws, as so
2016 appearing, is hereby further amended by striking out, in line 83, the words "for employment used
2017 by an employer" and inserting in place thereof the following words:- used to screen applicants
2018 for employment, housing or an occupational or professional license.

2019 SECTION 198. Said section 100A of said chapter 276 of the General Laws, as so
2020 appearing, is hereby further amended by inserting after the word “employment”, in line 85, the
2021 following words:- or for housing or an occupational or professional license.

2022 SECTION 199. Said section 100A of said chapter 276 of the General Laws, as so
2023 appearing, is hereby further amended by inserting after the word “employment”, in line 89, the
2024 following words:- or for housing or an occupational or professional license.

2025 SECTION 200. Said section 100A of said chapter 276 of the General Laws, as so
2026 appearing, is hereby further amended by inserting after the word “employment”, in line 92, the
2027 following words:- or for housing or an occupational or professional license.

2028 SECTION 201. Chapter 276 of the General Laws is hereby amended by striking out
2029 section 100B, as so appearing, and inserting in place thereof the following section:-

2030 Section 100B. (a) A person having a record of entries of a court appearance in a
2031 proceeding pursuant to section 52 to 62 of chapter 119, inclusive, on file in the office of the
2032 commissioner of probation may, on a form furnished by the commissioner, signed under the
2033 penalties of perjury, request that the commissioner seal that file. The commissioner shall comply
2034 with such a request, provided that: (i) the court appearance or disposition, including court
2035 supervision, probation, commitment or parole, the records for which are to be sealed, terminated
2036 not less than 1 year prior to the request; (ii) said person has not been adjudicated delinquent or
2037 found guilty of a criminal offense within the commonwealth during the 1 year preceding the
2038 request, except for motor vehicle offenses in which the penalty does not exceed a fine of \$550,
2039 and was not imprisoned under sentence or committed as a delinquent within the commonwealth
2040 within the preceding 1 year; and (iii) the form requesting sealing includes a statement by the

2041 petitioner that the petitioner has not been adjudicated delinquent or found guilty of a criminal
2042 offense in any other state, United States possession or in a court of federal jurisdiction, except for
2043 the motor vehicle offenses described in clause (ii), and has not been imprisoned under sentence
2044 or committed as a delinquent in any state or county during the preceding 1 year.

2045 (b) At the time of dismissal of a case, nolle prosequi, non-adjudication or when imposing
2046 a sentence, period of commitment or probation or other disposition under section 58 of said
2047 chapter 119, the court shall inform all juveniles in writing of their right to seek sealing under this
2048 section and, if the case ended in a dismissal, nolle prosequi, or without an adjudication, the court
2049 shall order sealing of the record at the time of the disposition unless the person charged with the
2050 offense objects.

2051 (c) Sealed records under this section shall not operate to disqualify a person in any future
2052 examination, appointment or application for public service under the government of the
2053 commonwealth or any political subdivision thereof, nor shall sealed records be admissible in
2054 evidence or used in any way in court proceedings or hearings before boards of commissioners,
2055 except in imposing sentence for subsequent offenses in juvenile or criminal proceedings.

2056 Notwithstanding any other provision to the contrary, the commissioner shall report sealed
2057 juvenile records to inquiring police and court agencies only as "sealed juvenile record over 1 year
2058 old" and to other authorized persons who may inquire as "no record". The information contained
2059 in a sealed juvenile record shall be made available to a judge or probation officer who affirms
2060 that the person whose record has been sealed has been adjudicated a delinquent or has pleaded
2061 guilty or been found guilty of and is awaiting sentence for a crime committed subsequent to the

2062 sealing of such record. That information shall be used only for the purpose of consideration in
2063 imposing sentence.

2064 SECTION 202. Section 100C of chapter 276 of the General Laws, as so appearing, is
2065 hereby amended by striking out, in line 23, the words “for employment used by an employer”
2066 and inserting in place thereof the following words:- used to screen applicants for employment,
2067 housing or an occupational or professional license.

2068 SECTION 203. Said section 100C of said chapter 276 of the General Laws, as so
2069 appearing, is hereby further amended by inserting after the word “employment”, in line 26, the
2070 following words:- or for housing or an occupational or professional license.

2071 SECTION 204. Section 100D of said chapter 276 of the General Laws, as so appearing,
2072 is hereby amended by striking out the figure “17”, in line 8, and inserting in place thereof the
2073 following words:- criminal majority.

2074 SECTION 205. Said chapter 276 of the General Laws, as so appearing, is hereby further
2075 amended by inserting after section 100D the following 3 sections:-

2076 Section 100E. For the purpose of this chapter, the words “expunge”, “expunged” and
2077 “expungement” shall mean permanent erasure or destruction of information so that the
2078 information is no longer maintained in any file or record in electronic, paper or other physical
2079 form.

2080 Section 100F. Notwithstanding section 100A or any other general or special law to the
2081 contrary, a person of any age who has a record of juvenile or criminal court appearances and
2082 dispositions on file with the office of the commissioner of probation may petition that

2083 misdemeanor convictions or adjudications or misdemeanor cases ending in a dismissal, nolle
2084 prosequi or without adjudication be expunged if the offense was committed before the person
2085 turned 18 years of age and the person files a petition with a judge in the court in which the
2086 appearance or disposition occurred. The form of the petition shall be furnished by the
2087 commissioner of probation. Before a petition is filed, the person shall have: (i) completed a
2088 sentence or disposition imposed by the court or, where applicable, a period of commitment or
2089 probation imposed pursuant to section 58 of chapter 119; (ii) not been adjudicated delinquent or
2090 found guilty of a new criminal offense in the commonwealth or any other state, territory or
2091 district of the United States or in a court of federal jurisdiction, except for motor vehicle offenses
2092 in which the penalty does not exceed a fine of \$550, and was not imprisoned under sentence or
2093 committed as a juvenile in any state or county before the completion of that person's juvenile
2094 sentence; and (iii) not been adjudicated delinquent or found guilty of a new criminal offense in
2095 the commonwealth or any other state, territory or district of the United States or in a court of
2096 federal jurisdiction, except for motor vehicle offenses in which the penalty does not exceed a fine
2097 of \$550, and was not imprisoned under sentence or committed as a juvenile in any state or
2098 county before the completion of that person's juvenile sentence since the completion of a
2099 sentence or disposition imposed by the court or, where applicable, a period of commitment or
2100 probation imposed pursuant to said section 58 of said chapter 119. The court may, in the
2101 discretion of the court, upon motion of that person, expunge the appearance or disposition
2102 recorded for a misdemeanor conviction or adjudication or a misdemeanor case ending in a
2103 dismissal, nolle prosequi or without adjudication if the offense was committed before the person
2104 reached the age of 18 years. For any petition granted by the court pursuant to this section, the

2105 clerks and probation officers of the courts in which the proceedings at issue occurred or were
2106 initiated shall expunge the records of the proceedings in their files.

2107 No individual or entity including, but not limited to, criminal justice agencies as defined
2108 under section 167 of chapter 6, shall have access to criminal offender record information related
2109 to the expunged charge or charges. If the court orders expungement of records, the person whose
2110 records have been expunged, when applying for employment, housing, or occupational licensing,
2111 may answer “no record” as to any charge expunged pursuant to this section in response to an
2112 inquiry regarding prior arrests, court appearances or criminal cases. A charge that is expunged
2113 shall not disqualify a person in any examination, appointment or application for public
2114 employment in the service of the commonwealth or any other political subdivision thereof, nor
2115 shall such charges and convictions be used against a person in court proceedings or hearings
2116 before a court, board or commission to which the person is a party.

2117 Upon receipt of an expungement order, the state police shall submit such order to the
2118 Interstate Identification Index and, upon confirmation that the case or cases have been expunged
2119 from said index, shall also expunge said case or cases from all records in its custody. The court
2120 shall, at the time of imposing a sentence, disposition or period of commitment or probation
2121 pursuant to section 58 of chapter 119, inform, in writing, all eligible individuals of their right to
2122 seek expungement under this section.

2123 Section 100G. If a case is sealed or expunged pursuant to section 7 of chapter 258D or
2124 section 100A, 100B, 100C, 100F or 104 of this chapter, every mention of the defendant’s name
2125 and address shall be redacted from entries in the logs maintained under section 98F of chapter
2126 41.

2127 SECTION 206. Chapter 276 of the General Laws is hereby further amended by adding
2128 the following section:-

2129 Section 104. After a court appearance has reached its final disposition, including
2130 termination of court supervision, probation, commitment or parole, upon motion of the defendant
2131 and after notice to the district attorney, who shall be given the opportunity to be heard, a court
2132 may order expungement of all records related to the court appearance if the court determines that
2133 expungement is in the interest of justice because: (i) the complaint was issued against the named
2134 defendant because of misidentification or other errors by law enforcement or court employees;
2135 (ii) the named defendant was determined to have no connection to the alleged criminal activity;
2136 (iii) the named defendant was prosecuted because another person impersonated the defendant, or
2137 used the defendant's name when arrested by police; (iv) there was fraud on the court related to
2138 the claim that the defendant committed the offense; or (v) there was lack of probable cause for
2139 initiation of the complaint or violation of a constitutional right related to initiation of the
2140 complaint. The court shall enter written findings of fact when it orders expungement of records
2141 under this section and shall immediately provide a certified copy of the order and findings of fact
2142 to the named defendant and the commissioner of probation. The commissioner of probation shall
2143 expunge said court appearance and the disposition recorded in the commissioner's files and the
2144 clerk and the probation officers of the courts in which the proceedings occurred or were initiated
2145 shall expunge the records of the proceedings from their files. No individual or other entity
2146 including, but not limited to, criminal justice agencies as defined under section 167 of chapter 6,
2147 shall have access to expunged criminal offender record information related to the expunged
2148 charge or charges.

2149 If the court orders expungement of the records, the person whose records have been
2150 expunged, when applying for employment, housing, or occupational licensing, may answer “no
2151 record” as to any charge expunged pursuant to this section in response to an inquiry regarding
2152 prior arrests, court appearances or criminal cases. A charge that is expunged shall not disqualify
2153 a person in any examination, appointment or application for public employment in the service of
2154 the commonwealth or any other political subdivision thereof, nor shall such charges and
2155 convictions be used against a person in court proceedings or hearings before a court, board or
2156 commission to which the person is a party.

2157 Upon receipt of an expungement order, the state police shall submit such order to the
2158 Interstate Identification Index and, upon confirmation that the case or cases have been expunged
2159 from said index, shall also expunge said cases from any records in its custody.

2160 SECTION 207. Section 1 of chapter 276A of the General Laws, as appearing in the 2016
2161 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words “certified or
2162 approved by the commissioner of probation under the provisions of section eight”.

2163 SECTION 208. Section 2 of said chapter 276A of the General Laws, as so appearing, is
2164 hereby amended by striking out, in lines 6 and 10, the words “18 years” and inserting in place
2165 thereof the following words:- criminal majority.

2166 SECTION 209. Said section 2 of said chapter 276A of the General Laws, as so appearing,
2167 is hereby further amended by striking out, in line 7, the words “twenty-two” and inserting in
2168 place thereof the following figure:- 26.

2169 SECTION 210. Said chapter 276A of the General Laws is hereby amended by striking
2170 out section 4, as so appearing, and inserting in place thereof the following section:-

2171 Section 4. In the event that an individual is charged with a violation of 1 or more of the
2172 offenses enumerated in section 70C of chapter 277, other than the offenses in section 13A of
2173 chapter 265 and sections 13A and 13C of chapter 268, this chapter shall not apply to that
2174 defendant.

2175 SECTION 211. Section 5 of said chapter 276A of the General Laws, as so appearing, is
2176 hereby amended by inserting after the word “prosecution”, in line 10, the following words:- and
2177 any victims as defined by section 1 of chapter 258B.

2178 SECTION 212. Sections 8 and 9 of said chapter 276A of the General Laws are hereby
2179 repealed.

2180 SECTION 213. Said chapter 276A of the General laws is hereby further amended by
2181 adding the following section:-

2182 Section 12. Nothing in this chapter or chapter 276B shall be interpreted to limit or in any
2183 way govern the authority of a district attorney or a police department to divert an offender or to
2184 require a district attorney or police department to accept an offender into a program that they
2185 operate.

2186 SECTION 214. The General Laws are hereby amended by inserting after chapter 276A
2187 the following chapter:-

2188 CHAPTER 276B.

2189 RESTORATIVE JUSTICE.

2190 Section 1. As used in this chapter, the following words shall have the following meanings
2191 unless the context clearly requires otherwise:

2192 “Restorative justice”, a voluntary process whereby the offenders, victims and members of
2193 the community collectively identify and address harms, needs and obligations resulting from an
2194 offense in order to understand the impact of that offense. Restorative justice requires an
2195 offender’s acceptance of responsibility for their actions and supports the offender as they make
2196 repair to the victim or community in which the harm occurred.

2197 “Community-based restorative justice program”, a program established on restorative
2198 justice principles that engages parties to a crime or members of the community in order to
2199 develop a plan of repair that addresses the needs of the parties and the community. Programs
2200 may include the parties to a case, their supporters and community members, or one-on-one
2201 dialogues between a victim and offender.

2202 Section 2. Participation in a community-based restorative justice program shall be
2203 voluntary and shall be available to both juvenile and adult defendants. A juvenile or adult
2204 defendant may be diverted to a community-based restorative justice program at any stage of a
2205 case, beginning immediately post arraignment and with the consent of the district attorney and
2206 the victim. Restorative justice may be contemplated as a means of disposition, with judicial
2207 approval. If a juvenile or adult defendant successfully completes the restorative justice program,
2208 the charge will be dismissed. If a juvenile or adult defendant does not successfully complete the
2209 program or is found to be in violation of program requirements, the case shall be returned to the
2210 court in which it was arraigned in order to commence with proceedings.

2211 Section 3. A person shall not be eligible to participate in a community-based restorative
2212 justice program if that person is charged with: (i) a sexual offense as defined by section 1 of
2213 chapter 123A; (ii) an offense against a family or household member as defined by section 13M

2214 of chapter 265; or (iii) an offense resulting in substantial impairment of the physical condition
2215 including any burn, subdural hematoma, injury to any internal organ, any injury which occurs as
2216 the result of repeated harm to any bodily function or organ including human skin or any physical
2217 condition which substantially imperils a person's health or welfare. A person charged with an
2218 offense that resulted in the fracture of a bone is not automatically ineligible, but may be
2219 considered ineligible in light of the facts and circumstances of the case.

2220 Section 4. Participation in a community-based restorative justice program shall not be
2221 used as evidence or as an admission of guilt, delinquency or civil liability in current or
2222 subsequent legal proceedings. Statements made by a juvenile or adult defendant or a victim
2223 during the course of an assignment to a community-based restorative justice program shall be
2224 confidential and shall not be subject to disclosure in any judicial or administrative proceeding;
2225 provided, however, that nothing in this section shall preclude any evidence obtained through an
2226 independent source or that would have been inevitably discovered by lawful means from being
2227 admitted at such proceedings.

2228 Section 5. There shall be established a restorative justice advisory committee to review
2229 community-based restorative justice programs. The advisory committee shall consist of 16
2230 members: 1 person who shall be appointed by the senate president and 1 person who shall be
2231 appointed by the speaker of the house of representatives, who shall serve as co-chairs of the
2232 advisory committee; the secretary of public safety and Security or a designee; the secretary of
2233 health and human services or a designee; the president of the Massachusetts District Attorneys
2234 Association or a designee; the chair of the committee for public counsel services or a designee;
2235 the commissioner of probation or a designee; the president of the Massachusetts Chiefs of Police
2236 Association Incorporated or a designee; the executive director of the Massachusetts office for

2237 victim assistance or a designee; and 7 persons to be appointed by the governor, 1 of whom shall
2238 be a retired Massachusetts trial court judge and 6 of whom shall be representatives of
2239 community-based restorative justice programs. Each member of the advisory committee shall
2240 serve a 6 year term and members appointed because of their official title shall be members for as
2241 long as they hold that title.

2242 The advisory committee shall monitor and assist all community-based restorative justice
2243 programs to which a juvenile or adult defendant may be diverted pursuant to this chapter. The
2244 advisory committee shall track the use of community-based restorative justice programs through
2245 a partnership with an educational institution and shall make legislative, policy and regulatory
2246 recommendations to aid in the use of community-based restorative justice programs including,
2247 but not limited to: (i) qualitative and quantitative outcomes for participants; (ii) recidivism rates
2248 of responsible parties; (iii) criteria for youth involvement and training; (iv) cost savings for the
2249 commonwealth; (v) training guidelines for restorative justice facilitators; (vi) data on racial,
2250 socioeconomic and geographic disparities in the use of community-based restorative justice
2251 programs; (vii) guidelines for restorative justice best practices; (viii) appropriate training and
2252 funding sources for community-based restorative programs; and (ix) plans for the expansion of
2253 restorative justice programs and opportunities throughout the commonwealth.

2254 Annually, not later than December 31, the advisory committee shall submit a report with
2255 findings and recommendations to the governor and to the clerks of the senate and house of
2256 representatives.

2257 Initial appointments to the advisory committee shall be made not later than October 1,
2258 2018. The first meeting of the advisory committee shall be held not later than December 1, 2018.

2259 SECTION 215. Section 70C of chapter 277 of the General Laws, as appearing in the
2260 2016 Official Edition, is hereby amended by striking out, in line 8, the words “, chapter 119”.

2261 SECTION 216. Said section 70C of said chapter 277 of the General Laws, as so
2262 appearing, is hereby further amended by striking out, in lines 10 and 11, the figures “13B1/2,
2263 13B3/4, 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 22A, 22B, 22C, 23, 23A, 23B” and inserting
2264 in place thereof the following figures:- 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 23.

2265 SECTION 217. Said section 70C of said chapter 277 of the General Laws, as so
2266 appearing, is hereby further amended by inserting after the figure “28”, in line 14, the following
2267 figure:- , 29.

2268 SECTION 218. Section 1 of chapter 279 of the General Laws, as so appearing, is hereby
2269 amended by inserting after the fourth sentence the following sentence:-

2270 When a person is sentenced to pay a fine of any amount, or is assessed fines, fees, costs,
2271 civil penalties or other expenses at disposition of a case, the court shall inform that person that:
2272 (i) nonpayment of the fines, fees, costs, civil penalties or expenses may result in commitment to
2273 a prison or place of confinement; (ii) payment must be made by a date certain; (iii) failure to
2274 appear at such date certain or failure to make the payment may result in the issuance of a default;
2275 and (iv) if an inability to pay exists as the result of a change in financial circumstances or for any
2276 other reason, the person has a right to address the court on inability to pay. A person may not be
2277 committed on a delinquency or youthful offender case for failure to pay a fee, fine or costs.

2278 SECTION 219. Said chapter 279 of the General Laws is hereby further amended by
2279 inserting after section 6A the following section:-

2280 Section 6B. (a) As used in this section the following terms shall have the following
2281 meanings:-

2282 "Dependent child", a person who is younger than 18 years of age.

2283 "Primary caretaker of a dependent child", a parent with whom a child has a primary
2284 residence or a woman who has given birth to a child after or while awaiting her sentencing
2285 hearing and who expresses a willingness to assume responsibility for the housing, health and
2286 safety of that child. A parent who, in the best interest of the child, has arranged for the temporary
2287 care of the child in the home of a relative or other responsible adult shall not for that reason be
2288 excluded from the definition of "primary caretaker of a dependent child".

2289 (b) Unless a sentence of incarceration is required by law, a defendant, upon conviction,
2290 shall have the right to have the court impose a sentence only after consideration of the
2291 defendant's primary caretaker status. A defendant shall request such consideration, by motion
2292 supported by affidavit, not more than 10 days after the entry of judgment. Upon receipt of such a
2293 motion supported by affidavit, the court shall make written findings concerning the defendant's
2294 primary caregiver status and the availability of appropriate individually assessed non-
2295 incarcerative sentence alternatives. The court shall not impose a sentence of incarceration
2296 without first making such written findings.

2297 SECTION 220. Section 35 of said chapter 279 of the General Laws, as so appearing, is
2298 hereby amended by inserting after the word "shall", in line 3, the following words:- , to the
2299 extent that an individual has been assigned a fingerprint-based state identification number and
2300 that such number has been provided to the court.

2301 SECTION 221. Said section 35 of said chapter 279 of the General Laws, as so appearing,
2302 is hereby further amended by inserting after the word “mittimus”, in line 4, the following words:-
2303 the person’s fingerprint-based state identification number,.

2304 SECTION 222. Section 6A of chapter 280 of the General Laws, as so appearing, is
2305 hereby amended by striking out the fourth sentence and inserting in place thereof the following
2306 sentence:-

2307 The court or justice may waive all or part of the cost assessment, the payment of which
2308 would cause a substantial financial hardship to the person convicted or to that person’s family.

2309 SECTION 223. Section 6B of said chapter 280 of the General Laws, as so appearing, is
2310 hereby amended by striking out the words “18 years”, in line 3, and inserting in place thereof the
2311 following words:- criminal majority.

2312 SECTION 224. Section 368 of chapter 26 of the acts of 2003 is hereby repealed.

2313 SECTION 225. The commissioner of correction and the secretary of public safety and
2314 security shall promulgate rules and regulations necessary to implement section 119A of chapter
2315 127 of the General Laws not later than 6 months after the effective date of this act.

2316 SECTION 226. Not later than July 1, 2018, the commissioner of corrections shall provide
2317 a plan to the chairs of the senate and house committees on ways and means as to the resources
2318 needed to comply with section 106. The plan shall include an accounting for efforts to reduce the
2319 population in restricted housing so as to facilitate program improvements.

2320 SECTION 227. There shall be a juvenile justice data task force to make
2321 recommendations on coordinating and modernizing the juvenile justice data systems and reports

2322 that are developed and maintained by state agencies and the courts. The task force shall consist
2323 of the following members or their designees: the chief justice of the trial court; the chief justice
2324 of the juvenile court; the secretary of health and human services; the commissioner of probation;
2325 the commissioner of youth services; the commissioner of children and families; the
2326 commissioner of mental health; the commissioner of transitional assistance; the executive
2327 director of Citizens for Juvenile Justice, Inc.; the president of the Massachusetts Society for the
2328 Prevention of Cruelty to Children; the executive director of the Children’s League of
2329 Massachusetts, Inc.; the executive director to the Massachusetts District Attorneys Association;
2330 the chief counsel of the committee for public counsel services; the child advocate; the chair of
2331 the juvenile justice advisory committee; a representative of the Massachusetts Chiefs of Police
2332 Association; and 2 members to be appointed by the governor, 1 of whom shall have experience
2333 or expertise related to the juvenile justice system or the design and implementation of juvenile
2334 justice data systems or both and 1 of whom shall be an independent expert in state administrative
2335 data systems.

2336 The task force shall conduct not less than 1 public hearing. The task force shall analyze
2337 the capacities and limitations of the data systems and networks used to collect and report state
2338 and local juvenile caseload and outcome data. The analysis shall include all of the following: (i)
2339 a review of the relevant data systems, studies and models from the commonwealth and other
2340 states; (ii) identification of changes or upgrades to current data collection processes to remove
2341 inefficiencies, track and monitor state agency and court-involved juveniles and facilitate the
2342 coordination of information sharing between relevant agencies and the courts; (iii) identification
2343 of racial and ethnic disparities apparent within the juvenile justice system and ways to reduce

2344 such disparities; and (iv) any other matters which the task force determines may improve the
2345 collection and interagency coordination of juvenile justice data.

2346 The task force shall file a report on the options for improving interagency coordination,
2347 modernization and upgrading of state and local juvenile justice data and information systems.
2348 The report shall include, but not be limited to: (i) recommended additional collection and
2349 reporting responsibilities for agencies, departments or providers; (ii) recommendations for the
2350 creation of a web-based statewide clearinghouse or information center that would make relevant
2351 juvenile justice information on operations, caseloads, dispositions and outcomes available in a
2352 user-friendly, query-based format for stakeholders and members of the public, including an
2353 assessment of the feasibility of implementing such a system; and (iii) a plan for improving the
2354 current juvenile justice reporting requirements, including streamlining and consolidating current
2355 requirements without sacrificing meaningful data collection and including a detailed analysis of
2356 the information technology and other resources necessary to implement improved data
2357 collection. The report shall be filed with the clerks of the senate and the house of representatives
2358 not later than January 1, 2018, and the clerks shall forward the report to the senate and house
2359 chairs of the joint committee on the judiciary and the senate and house chairs of the joint
2360 committee on children, families and persons with disabilities.

2361 SECTION 228. There shall be a task force to evaluate how to collect fingerprint-based
2362 identification where the person against whom a complaint was issued or an indictment was made
2363 was not arrested. The task force shall consist of the following members or their designees: the
2364 secretary of public safety and security or a designee, who shall serve as chair; the chief justice of
2365 the trial court; and the president of the Massachusetts Chiefs of Police Association Incorporated.
2366 Not later than December 1, 2018, the task force shall file a report of its recommendations with

2367 the clerks of the senate and house of representatives, and the clerks shall forward the report to the
2368 senate and house chairs of the joint committee on the judiciary and the senate and house chairs of
2369 the joint committee on public safety and homeland security.

2370 SECTION 229. There shall be a task force to evaluate the advisability, feasibility and
2371 impact of raising the age of juvenile court jurisdiction to defendants younger than 21 years of
2372 age. The study shall include, but not be limited to, the benefits and disadvantages of including 19
2373 and 20 year olds in the juvenile justice system, the impact of integrating 19 and 20 year olds into
2374 the under-19 population in the care and custody of the department of youth services, the ability
2375 to segregate young adults in the care and custody of the department of youth services from
2376 younger juveniles in such care, and the potential costs to the state court system and state and
2377 local law enforcement. The task force shall consider resources and facilities, if any, that could be
2378 reallocated from the adult system to the juvenile system and the advisability and feasibility of
2379 establishing a separate young adult court. The task force shall consist of the following members
2380 or their designees: the secretary of the executive office of public safety; the commissioner of the
2381 department of youth services; the commissioner of the department of children and families; the
2382 commissioner of the department of corrections; the commissioner of probation; the chief justice
2383 of the juvenile court department; the director of the juvenile court clinic; a designee of the
2384 Massachusetts district attorneys association; the chief counsel of the committee for public
2385 counsel services; 1 member appointed by the governor, who shall have expertise in the
2386 neurological development of young adults; 1 member appointed by the speaker of the house of
2387 representatives; 1 member appointed by the president of the senate; 1 member appointed by the
2388 minority leader of the house of representatives; and 1 member appointed by the minority leader
2389 of the senate. The task force shall select a chair from its members. Not later than January 1,

2390 2019, the task force shall file a final report with the clerks of the senate and house of
2391 representatives, and the clerks shall forward the report to the senate and house chairs of the joint
2392 committee on the judiciary and the senate and house chairs of the joint committee on ways and
2393 means.

2394 SECTION 230. Notwithstanding any general or special law to the contrary, juvenile
2395 records including, but not limited to, juvenile conviction data, juvenile arrest data or juvenile
2396 sealed record data shall not be shared with the registry of motor vehicles, except when a
2397 consequence of a sentencing decision is related to operating a motor vehicle, in which case such
2398 data may be shared by the court, probation, district attorney, law enforcement agencies, the
2399 department of criminal justice information services or any other agency or entity that lawfully
2400 possesses such records.

2401 SECTION 231. Sections 39 to 39D, inclusive, of chapter 127 of the General Laws,
2402 inserted by said section 110, shall take effect on July 1, 2018.

2403 SECTION 232. Section 39E of said chapter 127, inserted by section 110, shall take
2404 effect on January 1, 2019.

2405 SECTION 233. The last sentence in subsection (c) of section 100B of chapter 276 of the
2406 General Laws, inserted by section 201, shall take effect on January 1, 2019.

2407 SECTION 234. Sections 1, 3, 7, 8, 33, 36, 37, 42, 43, 49, 69, 70, 71, 72, 75, 76, 77, 78,
2408 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 103, 104, 114,
2409 115, 116, 129, 131, 134, 137, 138, 139, 140, 141, 142, 144, 164, 165, 166, 167, 168, 169, 170,
2410 171, 172, 187, 192, 204, 208, and 223 shall take effect January 1, 2019.

2411 SECTION 235. Sections 10, 51, 109, 120, 124, 127, 132, 205, 220, and 221 shall take
2412 effect on July 1, 2019.

2413 SECTION 236. Section 22 shall take effect on September 1, 2018.

2414 SECTION 237. The last paragraph of section 206 shall take effect on January 1, 2019.

2415 SECTION 238. Section 121 shall take effect on July 1, 2020.

2416 SECTION 239. Section 122 shall take effect on July 1, 2018.

2417 SECTION 240. Section 123 shall take effect on July 1, 2019.