

SENATE No. 791

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act for justice reinvestment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/24/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/24/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/25/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/26/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/26/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/26/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>1/27/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/27/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/30/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/30/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/30/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/31/2017</i>

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/1/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>2/1/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/1/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/1/2017</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>2/1/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/1/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/2/2017</i>
<i>Bud Williams</i>	<i>11th Hampden</i>	<i>2/2/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>	<i>2/2/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/2/2017</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/2/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>2/3/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/3/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/3/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/3/2017</i>
<i>Sheriff Steven Tompkins</i>	<i>Suffolk County Sheriff 20 Bradston Street Boston, MA 02118</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/29/2017</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>4/25/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>7/24/2017</i>

SENATE No. 791

By Ms. Chang-Diaz, a petition (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. The Judiciary.

The Commonwealth of Massachusetts

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

An Act for justice reinvestment.

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 167 of chapter 6 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in the definition of “Criminal offender
3 record information” the second sentence in lines 31 through 33, and inserting in place thereof the
4 following sentence:-

5 “Such information shall be restricted to that recorded in criminal proceedings that are not
6 dismissed before arraignment.”

7 SECTION 2. Section 167 of chapter 6 of the General Laws, as appearing in the 2014
8 edition, is amended by striking out, in line 41 to 42, the words “is adjudicated as an adult” and
9 inserting in place thereof the words:- “was tried as an adult in superior court or tried as an adult
10 after transfer of a case from”

11 SECTION 3. Section 175 of chapter 6 of the General Laws, as appearing in the 2014
12 Official Edition, is amended by inserting, in line 16, after the last sentence, the following

13 sentences: - “The commissioner of probation shall make a form available to permit a data subject
14 to submit the form at a probation office to request correction of errors that appear as part of his
15 her criminal offender record information, including but not limited to disposition errors, surname
16 errors, wrong dates of birth, and other clerical errors. The form shall be available at probation
17 offices and on the internet for submission to local probation offices. The commissioner of
18 probation or a probation officer upon receipt of such a request shall correct the errors within 20
19 business days.”

20 SECTION 4. Section 5K of chapter 18 of the General Laws, as appearing in the 2014
21 Official Edition, is amended by striking out, in line 7, the word “\$100” and inserting in place
22 thereof the words:- “one thousand five hundred dollars.”

23 SECTION 5. Said section 5K of chapter 18, as so appearing, is hereby further amended
24 by striking out, in line 11, the word “\$100” and inserting in place thereof the words:- “one
25 thousand five hundred dollars.”

26 SECTION 6. Section 368 of chapter 26 of the acts of 2003 is hereby amended by adding
27 at the end of the first sentence of the first paragraph the following words:--

28 “provided; however, that no parole fee shall be assessed upon any person receiving
29 assistance under one or more of the following programs: transitional aid to families with
30 dependent children, emergency aid to the elderly, disabled and children, the Mass Health
31 program (formerly Medicaid), Title XVI of the Social Security Act, or veterans benefits under
32 section 5 of chapter 115 of the General Laws.”

33 SECTION 7. Chapter 29 of the Generals Laws, as appearing in the 2014 Official Edition,
34 is hereby amended by inserting after 2QQQQ the following section: Section 2RRRR. (a) There

35 shall be established a fund to be known as the "Neighborhood Safety and Opportunity Trust
36 Fund" within the Executive Office of Housing and Economic Development that shall be
37 continuously expended without regard for fiscal year, for carrying out the purposes of this
38 chapter.

39 Notwithstanding any general or specific law to the contrary, the following monies shall
40 be credited to the fund:

41 (1) On July 31 of each fiscal year, based upon the rules provided by the Board of
42 Directors of the Neighborhood Safety and Opportunity Trust Fund and the findings of the cost
43 avoidance report referenced in subsection 3 (u), the Secretary of Administration and Finance shall
44 calculate the savings that accrued to the state from the implementation of this Act during the
45 fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this Act. In
46 making the calculation required by this subdivision, the Secretary of Administration and Finance
47 shall use actual data or best available estimates as described in the Cost Avoidance Report. The
48 calculation shall be final and shall not be adjusted for any subsequent changes in the underlying
49 data. The Secretary of Administration and Finance shall certify the results of the calculation to
50 the Treasurer no later than August 15 of each fiscal year.

51 (2) Before September 1 of each fiscal year, the Treasurer shall transfer from the General
52 Fund to the Neighborhood Safety and Opportunity Trust Fund the total amount calculated
53 pursuant to subsection (1).

54 (3a) Monies in the Neighborhood Safety and Opportunity Trust Fund shall be
55 continuously expended for the purposes of this Act. Funds transferred to the Neighborhood
56 Safety and Opportunity Trust Fund shall be used exclusively for the purposes of this Act and

57 shall not be subject to appropriation or transfer by the Legislature for any other purpose. The
58 funds in the Neighborhood Safety and Opportunity Trust Fund may be used without regard to
59 fiscal year.

60 (b) There shall be a Board of Directors to consist of thirteen members to be appointed by
61 the Secretary of Housing and Economic Development, with the approval of the Governor. Said
62 Board of Directors shall advise the commissioner in matters relating to job training, job creation
63 and job placement and will consist of the following members: the Commissioner of
64 Neighborhood Safety and Opportunity or a designee of; not less than six (6) members shall be
65 individuals who are, or have been at some time, members of the target population as defined in
66 subsection 3(i) of this chapter; and a combination of appointees with professional case
67 management experience, entrepreneurial or business management experience, professional
68 workforce development experience, experience providing professional or vocational training, or
69 experience in labor market analysis. The terms of the initial members shall be as follows: three
70 shall be appointed for one year, three shall be appointed for two years, three shall be appointed
71 for three years and three shall be appointed for four years. Upon the expiration of the term of a
72 member, his successor shall be appointed for a term of four years. Said members shall elect a
73 chairman and shall meet at least quarterly. They shall serve without compensation, but shall be
74 reimbursed for expenses necessarily incurred in the performance of their duties. If any member is
75 absent from two regularly scheduled quarterly meetings in any one calendar year, the office of
76 such member may be declared vacant by the chairman. Upon notification by the chairman that a
77 vacancy exists, the Secretary of Housing and Economic Development shall appoint, with the
78 approval of the governor, another member to fill the unexpired term.

79 (c) The fund shall be under the direction, supervision and control of the commissioner of
80 neighborhood safety and opportunity, called the commissioner, who shall be appointed by the
81 Board of Directors with the approval of the Governor, and who shall serve at the pleasure of the
82 Board of Directors and may be removed by the Board of Directors at any time, subject to the
83 approval of the Governor. The position of commissioner shall be classified in accordance with
84 section 45 of chapter 30 of the General Laws, as appearing in the 2014 Official Edition and the
85 salary shall be determined in accordance with section 46C of said 30 and the commissioner shall
86 devote full time during business hours to the duties of this office.

87 (d) The commissioner with the advice of the Board of Directors will have sole charge of
88 the supervision and administration of the fund.

89 (e) The commissioner may promulgate, in accordance with the provisions of chapter 30 A
90 of the General Laws, rules and regulations relating to the services provided by the commission.

91 (f) The commissioner may also appoint such other personnel as may be deemed
92 necessary for the efficient management of the fund.

93 (g) The total expenditure from the fund for administration, including salaries and benefits
94 of the commissioner and staff described in subsections (a) through (u) of this section, shall not
95 exceed 5% of the total amount disbursed by the fund in any given fiscal year.

96 (h) If an employee of the commonwealth or of a political subdivision, as defined in
97 section one of chapter thirty-two, shall be appointed to any such position, , and later, upon
98 conclusion of his service to the Trust Fund, be restored to his previously held civil service
99 position, such restoration shall be made without impairment of the employee's civil service
100 status or tenure under section 9A of chapter 30 and without loss of seniority, retirement or other

101 rights to which uninterrupted service in such position would have entitled the employee. During
102 the period of such appointment each person so appointed from a classified civil service position
103 shall be eligible to take any competitive promotional examination for which he would have
104 otherwise been eligible.

105 (i) The monies in the Neighborhood Safety and Opportunity Trust Fund shall be
106 appropriated for the purpose of righting an unbalanced economy by creating opportunities for job
107 training, job creation, and job placement for those who face high barriers to employment. The
108 target population is defined as any person who meets two or more of the following
109 characteristics: is under 25 years of age; is a victim of violence; is a veteran; does not have a
110 high school diploma (if over 18 years of age); has been convicted of a felony; has been
111 unemployed or has had family income below 250% of the federal poverty level for six months or
112 more; or lives in a census tract where over 20% of the population fall below the federal poverty
113 line.

114 (j) By September 15 of each fiscal year, the Secretary of Housing and Economic
115 Development shall publicly request proposals from private and public agencies regarding the use
116 of funds from the Neighborhood Safety and Opportunity Fund. Eligible programs shall exhibit a
117 model of creating employment opportunities for members of the target population, or, in the case
118 of programs serving a target population aged 20 years and under, may instead demonstrate a
119 model of building within such members the skills necessary for future employment. Such model
120 shall be supported by research and evaluation, and may include: transitional employment
121 programs; social enterprise; pre-apprenticeship or other training programs; school- or
122 community-based high school dropout prevention and re-engagement programs; cooperative and
123 small business development programs; and community-based workforce development programs.

124 Components of successful programs may include, but are not limited to: job training in both “soft
125 skills” and skills identified as lacking in growth industries; stipends or wage subsidies; serving as
126 employer of record with private employers; case management; cognitive behavioral therapy; and
127 supports such as child care vouchers or transportation assistance. The Trust may give priority to
128 programs that include access to services such as addiction treatment and trauma-informed mental
129 health care as relevant to the Trust’s mission, but such services by themselves are not eligible to
130 be funded by the Trust. Training programs that do not include a strong presumption of full
131 employment by a specific employer, or entry into a bona fide apprenticeship program recognized
132 by the Commonwealth of Massachusetts, upon successful completion by each participant shall
133 not be eligible for funding; provided that high school dropout prevention and re-engagement
134 programs need not include said presumption. Eligible employment programs must engage
135 participants in employment at a living wage and may use funds from the Trust to provide a wage
136 subsidy for up to 24 months in order to achieve that goal

137 (k) An employer may not employ an individual for a position funded under this Act, if--

138 (1) employing such individual will result in the layoff or partial displacement (such as a
139 reduction in hours, wages, or employee benefits) of an existing employee of the employer; or

140 (2) such individual will perform the same or substantially similar work that had
141 previously been performed by an employee of the employer who has been laid off or partially
142 displaced (as such term is described in subclause (1); and has not been offered by the employer
143 to be restored to the position the employee had immediately prior to being laid off or partially
144 displaced.

145 (3) An individual may not be hired for a position funded under this Act in a manner that
146 infringes upon the promotional opportunities of an existing employee (as of the date of such
147 hiring) of an employer receiving funds under this Act.

148 (1) Any employer that employs an individual whose employment is funded under a grant
149 from the Trust shall--

150 (1) continue to employ such individual for not less than 12 months, subject to the
151 individual's satisfactory performance of the reasonable requirements of the individual's
152 employment;

153 (2) if such an individual desires full-time employment, employ such individual for not
154 less than 35 hours per week and not more than 40 hours, and if such an individual desires part-
155 time work, employ such individual for a mutually agreed number of hours per week that is less
156 than 35 hours per week;

157 (3) comply with responsible contractor standards, as determined by the relevant official
158 in the unit of local government;

159 (4) provide compensation to such individual on a per hour basis equal to the
160 compensation provided to public sector employees who perform similar work in the community
161 where such individual is employed or, if no public sector employees perform such similar work,
162 provide compensation to such individual that is comparable to the compensation provided to
163 private-sector employees who perform similar work in the community where such individual is
164 employed;

165 (5) if such employment is in construction, provide compensation to any laborer or
166 mechanic employed under the grant at rates not less than those prevailing on similar construction
167 in the locality

168 (m) No individual whose employment is funded under the grant may work for an
169 employer at which a collective bargaining agreement is in effect covering the same or similar
170 work, unless--

171 (1) the consent of the union at such employer is obtained; and

172 (2) negotiations have taken place between such union and the employer as to the terms
173 and conditions of such employment.

174 (n) The existence of a felony record shall not be a barrier to hiring, training, or otherwise
175 engaging a participant in employment under this Act, unless the specific conditions of
176 employment and the nature of a specific charge on the criminal record combine so as to present a
177 clear risk to the safety of a vulnerable population. Employers who do not follow such a policy
178 shall not be eligible to receive funds or benefit from wage subsidies under this Act.

179 (o) Recipients of grants under the Neighborhood Safety and Opportunity Trust Fund shall
180 comply with data collection and evaluation requirements as established by the commissioner, to
181 ensure the effectiveness of programs funded under this Act.

182 (p) All contracts granted by the Neighborhood Safety and Opportunity Trust Fund will
183 include reporting on outcomes related to the recidivism, employment attainment/re-attainment,
184 and/or educational attainment, as appropriate, of participants served. The Board of Directors

185 shall create the rules associated with requests for proposals that prioritize the attainment and
186 performance measurement of all outcomes listed above.

187 (q) Every three years, the Auditor shall conduct an audit of the grant programs operated
188 by the agencies specified in paragraph (a) to ensure the funds are disbursed and expended solely
189 according to this chapter and shall report his or her findings to the Legislature and the public.

190 (r) Any costs incurred by the Auditor and the Secretary of Administration and Finance in
191 connection with the administration of the Neighborhood Safety and Opportunity Trust Fund,
192 including the costs of the calculation required by subsection a(1) and the audit required by
193 subsection 3(s) shall be deducted from the Neighborhood Safety and Opportunity Trust Fund
194 before grants are disbursed pursuant to subsection 3(g).

195 (s) The Board of Directors shall develop rules and regulations for calculating the savings
196 resulting in all measures related to Sections 1-42, which shall account at a minimum for the
197 variable costs averted, such as food and medical expenses, and also consider fixed expenditures
198 that are avoided if larger numbers of potential inmates are avoided; The Board of Directors, with
199 approval from the Secretary of Administration and Finance, shall determine the rules associated
200 with appropriating all monies into the Neighborhood Safety and Opportunity Fund based upon
201 all savings. The Board of Directors shall contract with a third party agency that has experience in
202 the provision of criminal justice cost avoidance analyses for states, that will provide a report
203 summarizing all savings, both actual and best available forecasted estimates based upon the
204 calculation rules set forth by the Board of Directors. Such Annual Cost Avoidance Report will be
205 delivered to the Secretary of Administration and Finance within 30 days of the ending of each
206 fiscal year.

207 SECTION 8. Section 32 of chapter 94C of the General Laws, as appearing in the 2014
208 Official Edition, is hereby amended by

209 (a) Striking out the words “less than one thousand nor” in subsection (a);

210 (b) Striking out the words “less than 3 ½ nor” in subsection (b) and further striking the
211 second sentence in the said subsection and inserting in place thereof the following sentence:-
212 “No sentence imposed under the provisions of this section shall be punished by a fine of more
213 than twenty-five thousand dollars;”

214 (c) Repealing subsection (c).

215 SECTION 9. Section 32A of said chapter 94C, as so appearing, is hereby amended by

216 (a) Striking out the words “less than one thousand nor” in subsection (a);

217 (b) Striking out the words “less than 2 nor” in subsection (b) and further striking the
218 second sentence in the said subsection and inserting in place thereof the following sentence:-
219 “No sentence imposed under the provisions of this section shall be punished by a fine of more
220 than twenty-five thousand dollars;”

221 (c) Striking out the words “less than two and one-half nor” and the words “less than one
222 nor” in subsection (c) and further striking the second sentence in the said subsection and
223 inserting in place thereof the following sentence:- “No sentence imposed under the provisions of
224 this section shall be punished by a fine of more than ten thousand dollars;”

225 (d) Striking out the words “less than 3 ½ nor” and further the words “less than two
226 thousand five hundred nor” and further the words “but not in lieu of the mandatory minimum
227 term of imprisonment, as established herein” in subsection (d)

228 (e) Repealing subsection (e).

229 SECTION 10. Section 32B of said chapter 94C, as so appearing, is hereby amended by

230 (a) Striking out the words “less than five hundred nor” in subsection (a);

231 (b) Striking out the words “less than two and one-half nor” and the words “less than 18
232 months nor” in subsection (b) and further striking the second sentence in the said subsection and
233 inserting in place thereof the following sentence:- No sentence imposed under the provisions of
234 this section shall be punished by a fine of more than ten thousand dollars;

235 (c) Repealing subsection (c).

236 SECTION 11. Section 32C of said chapter 94C, as so appearing, is hereby amended by

237 (a) Striking out the words “less than five hundred nor” in subsection (a);

238 (b) Striking out the words “less than one nor” and further the words “less than one
239 thousand nor” in subsection (b).

240 SECTION 12. Section 32D of said chapter 94C, as so appearing, is hereby amended by

241 (a) Striking out the words “less than two hundred and fifty nor” in subsection (a);

242 (b) Striking out the words “less than five hundred nor” in subsection (b).

243 SECTION 13. Subsection (a) of section 32E of said chapter 94C, as so appearing, is
244 hereby amended by

245 (a) Striking out the words “less than two and one-half nor” and the words “less than one
246 nor” in paragraph (1) and further striking the second sentence in the said subsection and inserting

247 in place thereof the following sentence:- “No sentence imposed under the provisions of this
248 section shall be punished by a fine of more than ten thousand dollars;”

249 (b) Striking out the words “less than 2 nor” in paragraph (2) and further striking the
250 second sentence in the said subsection and inserting in place thereof the following sentence:-
251 “No sentence imposed under the provisions of this section shall be punished by a fine of more
252 than twenty-five thousand dollars;”

253 (c) Striking out the words “less than 3 ½ nor” in paragraph (3) and further striking the
254 second sentence in the said subsection and inserting in place thereof the following sentence:-
255 “No sentence imposed under the provisions of this section shall be punished by a fine of more
256 than fifty thousand dollars;”

257 (d) Striking out the words “less than 8 nor” in paragraph (4) and further striking the
258 second sentence in the said subsection and inserting in place thereof the following sentence:-
259 “No sentence imposed under the provisions of this section shall be punished by a fine of more
260 than two hundred thousand dollars;”

261 SECTION 14. Subsection (b) of section 32E of said chapter 94C, as so appearing, is
262 hereby amended by

263 (a) Striking out the words “less than 2 nor” in paragraph (1) and further striking the
264 second sentence in the said subsection and inserting in place thereof the following sentence:- No
265 sentence imposed under the provisions of this section shall be punished by a fine of more than
266 twenty-five thousand dollars;

267 (b) Striking out the words “less than 3 ½ nor” in paragraph (2) and further striking the
268 second sentence in the said subsection and inserting in place thereof the following sentence:- No
269 sentence imposed under the provisions of this section shall be punished by a fine of more than
270 fifty thousand dollars;

271 (c) Striking out the words “less than 8 nor” in paragraph (3) and further striking the
272 second sentence in the said subsection and inserting in place thereof the following sentence:- No
273 sentence imposed under the provisions of this section shall be punished by a fine of more than
274 one hundred thousand dollars;

275 (d) Striking out the words “less than 12 nor” in paragraph (4) and further striking the
276 second sentence in the said subsection and inserting in place thereof the following sentence:- No
277 sentence imposed under the provisions of this section shall be punished by a fine of more than
278 fifty thousand dollars;

279 SECTION 15. Subsection (c) of section 32E of said chapter 94C, as so appearing, is
280 hereby amended by

281 (a) Striking out the words “less than 3 ½ nor” in paragraph (1) and further striking the
282 second sentence in the said subsection and inserting in place thereof the following sentence:-
283 “No sentence imposed under the provisions of this section shall be punished by a fine of more
284 than fifty thousand dollars;”

285 (b) Striking out the words “less than 5 nor” in paragraph (2) and further striking the
286 second sentence in the said subsection and inserting in place thereof the following sentence:-
287 “No sentence imposed under the provisions of this section shall be punished by a fine of more
288 than fifty thousand dollars;”

289 (c) Striking out the words “less than 8 nor” in paragraph (3) and further striking the
290 second sentence in the said subsection and inserting in place thereof the following sentence:-
291 “No sentence imposed under the provisions of this section shall be punished by a fine of more
292 than one hundred thousand dollars;”

293 (d) Striking out the words “less than 12 nor” in paragraph (4) and further striking the
294 second sentence in the said subsection and inserting in place thereof the following sentence:-
295 “No sentence imposed under the provisions of this section shall be punished by a fine of more
296 than five hundred thousand dollars;”

297 SECTION 16. Subsection (d) of section 32E of said chapter 94C is hereby repealed.

298 SECTION 17. Section 32F of said chapter 94C, as so appearing, is hereby amended by

299 (a) Striking out the words “less than five nor” in subsection (a) and further striking the
300 second sentence in the said subsection and inserting in place thereof the following sentence:- No
301 sentence imposed under the provisions of this section shall be punished by a fine of more than
302 twenty-five thousand dollars;

303 (b) Striking out the words “less than three nor” in subsection (b) and further striking the
304 second sentence in the said subsection and inserting in place thereof the following sentence:- No
305 sentence imposed under the provisions of this section shall be punished by a fine of more than
306 twenty-five thousand dollars;

307 (c) Striking out the words “less than two and one-half nor” and the words “less than two
308 nor” in subsection (c) and further striking the second sentence in the said subsection and

309 inserting in place thereof the following sentence:- No sentence imposed under the provisions of
310 this section shall be punished by a fine of more than twenty-five thousand dollars;

311 (d) Striking out the words “less than five nor” in subsection (d) and further striking the
312 second sentence in the said subsection and inserting in place thereof the following sentence:- No
313 sentence imposed under the provisions of this section shall be punished by a fine of more than
314 twenty-five thousand dollars;

315 SECTION 18. Section 32G of said chapter 94C, as so appearing, is hereby amended by
316 striking out the words “less than two hundred and fifty nor.”

317 SECTION 19. Section 32 H of said chapter 94C, as so appearing, is hereby amended by
318 striking this section in its entirety.

319 SECTION 20. Section 32I of said chapter 94C, as so appearing, is hereby amended by

320 (a) Striking out the words “less than one nor” and the words “less than five hundred nor”
321 in subsection (a);

322 (b) Striking out the words “less than three nor” and the words “less than one thousand
323 nor” in subsection (b);

324 (c) Striking out the words “less than fifty nor” in subsection (c).

325 SECTION 21. Section 32J of said chapter 94c, as so appearing, is hereby amended by

326 striking out the words “less than two and one-half” and the words “less than two nor” in
327 the first sentence of said section; by striking out the second sentence of said section; and by
328 striking out the words “less than one thousand nor” and the words “but not in lieu of the

329 mandatory minimum two year term of imprisonments as established herein” in the third sentence
330 of said section.

331 SECTION 22. Section 32K of said chapter 94C, as so appearing, is hereby amended by
332 striking out the words “less than five years nor” in line 7 and further striking the second
333 sentence in lines 8-12 in said section.

334 SECTION 23. Section 34 of chapter 94C of the General Laws, as so appearing, is hereby
335 amended by striking out lines 5-9, and inserting in place thereof the following sentence:-

336 “Except as provided in Section 32L of this Chapter or as hereinafter provided, any person
337 who violates this section or possesses any Class A, B, C, or D controlled substance shall be
338 punished by a fine of not more than one thousand dollars or by imprisonment in a house of
339 correction or jail for not more than six months, or by both such fine and imprisonment.”

340 SECTION 24. Said Section 34 of chapter 94C, as so appearing, is hereby further
341 amended by striking out lines 9-16, and inserting in place thereof the following sentence:-

342 “Any person who violates this section by possessing heroin shall for a first offense be
343 punished by a fine of not more than one thousand dollars or by imprisonment in a house of
344 correction or jail for not more than one year, or by both such fine and imprisonment, and for a
345 second or subsequent offense shall be punished by imprisonment in a state prison for not more
346 than three years or by fine of not more than five thousand and imprisonment in jail or house of
347 correction for not more than two and one-half years.”

348 SECTION 25. Said Section 34 of said chapter 94C, as so appearing, is hereby amended
349 by striking out the words “less than two and one-half years nor” in lines 13-14.

350 SECTION 26. Said Section 34 of said chapter 94C, as so appearing, is hereby further
351 amended by striking the last sentence of the first paragraph in lines 20-27, and inserting in place
352 thereof the following sentence:-

353 “Except for an offense involving a controlled substance in Class E of section thirty-one,
354 whoever violates the provisions of this section after one or more convictions of a violation of this
355 section or of a felony under any other provisions of this chapter, or of a corresponding provision
356 of earlier law relating to the sale or manufacture of a narcotic drug as defined in said earlier law,
357 shall be punished by imprisonment in a house of correction for not more than one year or by a
358 fine of not more than two thousand dollars, or both.”

359 SECTION 27. Notwithstanding any general or special law to the contrary, a person
360 serving a sentence for violating any provisions of Chapter 94C or charged with such a violation
361 but for whom a guilty plea has not been accepted nor a conviction entered as of the effective date
362 of this act shall be eligible to receive deductions from his sentence for good conduct under
363 Sections 129C and 129D of Chapter 127.

364 SECTION 28. Notwithstanding any general or special law to the contrary, a person
365 serving a sentence for violating any provisions of Chapter 94C or charged with such a violation
366 but for whom a guilty plea has not been accepted nor a conviction entered as of the effective date
367 of this section shall be eligible to participate in education, training, employment or work release
368 programs established pursuant to Sections 49, 49B, 49C, 86F and 86G of Chapter 127.

369 SECTION 29. Notwithstanding any general or special law to the contrary, a person
370 serving a sentence for violating any provisions of Chapter 94C or charged with such a violation
371 but for whom a guilty plea has not been accepted nor a conviction entered as of the effective date

372 of this section shall not be eligible for parole until he or she has served 1/2 of the mandatory
373 minimum sentence.

374 SECTION 30. Section 13 of chapter 119A of the General Laws, as appearing in the 2014
375 Official Edition, is amended by inserting, in line 45, after the last sentence in paragraph (d), the
376 following paragraph:-

377 “(d) Within 15 days of admission of an inmate to a house of corrections or department of
378 corrections facility, the commissioner of corrections or the sheriff for the facility shall provide
379 information, including an application for IV-D services, to the inmate and inform the inmate of
380 his or her right to request services from the IV-D agency pursuant to section 2 of this chapter to
381 modify a child support order so as to avoid accrual of child support arrearages.”

382 SECTION 31. Chapter 127 of the General Laws, as appearing in the 2014 Official
383 Edition, is hereby amended by inserting after section 117A, the following new section:

384 117B. Terminally Ill or Permanently Incapacitated Inmates.

385 The Commissioner of the Department of Correction or a Sheriff may petition a Court of
386 original jurisdiction for an Order permitting the transfer of a terminally ill or permanently
387 incapacitated inmate, as certified by the physician or director of medical care at the correctional
388 facility, to receive medically appropriate care at an alternative location, which shall include a
389 hospital, nursing facility, hospice program or other setting where the inmate may receive hospice
390 services from an entity licensed pursuant to section 57D of chapter 111, or residential care
391 facility, provided that the transfer is not inconsistent with public safety. The Commissioner or
392 Sheriff shall monitor all individuals transferred under this section and order the return of the
393 inmate to the correctional facility if at any time the physician or director of medical services

394 subsequently determines that the inmate does not have a terminal or permanently incapacitating
395 medical condition, or that care outside the correctional facility is not medically appropriate.

396 SECTION 32. The first paragraph of section 30 of chapter 266 of the General Laws, as
397 appearing in the 2014 Official Edition, is amended by striking out, in line 9, the words “two
398 hundred and fifty dollars” and inserting in place thereof the following words:- “one thousand five
399 hundred dollars.”

400 SECTION 33. Said first paragraph of section 30 of said chapter 266, as so appearing, is
401 further amended by striking out, in lines 12-13, the words “two hundred and fifty dollars” and
402 inserting in place thereof the following words:- “one thousand five hundred dollars.”

403 SECTION 34. The fifth paragraph of said section 30 of said chapter 266, as so appearing,
404 is amended by striking out, in line 73, the words “two hundred and fifty dollars” and inserting in
405 place thereof the following words:- “one thousand five hundred dollars.”

406 SECTION 35. Said fifth paragraph of said section 30 of said chapter 266, as so
407 appearing, is hereby further amended by striking out, in line 77, the words “two hundred and
408 fifty dollars” and inserting in place thereof the following words:- “one thousand five hundred
409 dollars.”

410 SECTION 36. Section 30A of said chapter 266, as so appearing, is amended by striking
411 out, in line 39, the words “one hundred dollars” and inserting in place thereof the following
412 words:- “two hundred and fifty dollars.”

413 SECTION 37. Said Section 30A of said chapter 266, as so appearing, is hereby further
414 amended by striking out, in line 43, the words “one hundred dollars” in inserting in place thereof
415 the following words: “two hundred and fifty dollars.”

416 SECTION 38. Section 37C of said chapter 266, as so appearing, is amended by striking
417 out, in line 11, the words “two hundred fifty dollars” and inserting in place thereof the following
418 words:- “one thousand five hundred dollars.”

419 SECTION 39. Said Section 37C of said chapter 266, as so appearing, is hereby further
420 amended by striking out, in line 16, the words “two hundred fifty dollars” and inserting in place
421 thereof the following words:- “one thousand five hundred dollars.”

422 SECTION 40. Section 37C of said chapter 266, as so appearing, is hereby further
423 amended by striking out, in line 22, the words “two hundred fifty dollars” and inserting in place
424 thereof the following words:- “one thousand five hundred dollars.”

425 SECTION 41. Said section 37C of said chapter 266, as so appearing, is hereby further
426 amended by striking out, in lines 29-30, the words “two hundred fifty dollars” and inserting in
427 place thereof the following words:- “one thousand five hundred dollars.”

428 SECTION 42. Section 60 of said chapter 266, as so appearing, is amended by striking
429 out, in lines 6-7, the words “two hundred and fifty dollars” and inserting in place thereof the
430 following words:- “one thousand five hundred dollars.”

431 SECTION 43. Said section 60 of said chapter 266, as so appearing, is hereby further
432 amended by striking out, in lines 10-11, the words “two hundred and fifty dollars” and inserting
433 in place thereof the following words:- “one thousand five hundred dollars.”

434 SECTION 44. Section 127 of said chapter 266, as so appearing, is amended by striking
435 out, in lines 12-13, the words “two hundred and fifty dollars” and inserting in place thereof the
436 following words:- “one thousand five hundred dollars.”

437 SECTION 45. Chapter 266 of the General Laws, is hereby further amended by inserting
438 after section 147 the following section:

439 SECTION 148.

440 (a) Notwithstanding any general or special law to the contrary, any person currently
441 serving a sentence for a conviction, whether by trial or plea, whose punishment would have been
442 determined according to provisions in this act had this act been in effect at the time of the
443 offense, may petition for a recall of sentence before the trial court where the judgment of
444 conviction was entered to request resentencing in accordance with Sections 30 (1), 30(5), 30A,
445 37C, 60 and 127 of chapter 266, and Section 34 of chapter 94C, as those sections have been
446 amended or added by this act.

447 (b) Upon receiving a petition under subsection (a), the court shall determine whether the
448 petitioner satisfies the criteria in subsection (a). If the petitioner satisfies the criteria, his or her
449 sentence shall be recalled and the petitioner resentenced to a new penalty, unless the court, in its
450 discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger
451 to public safety; provided that a petitioner who has served his or her punishment shall not be
452 resentenced. In exercising its discretion, the court may consider the following factors:

453 (1) the petitioner’s criminal conviction history, including the type of crimes committed,
454 the extent of injury to victims, the length of prior prison commitments, and the remoteness of the
455 crimes;

456 (2) the petitioner’s disciplinary record and record of rehabilitation, if incarcerated;

457 (3) Any other evidence the court determines to be relevant in deciding whether a new
458 sentence would result in an unreasonable risk of danger to public safety.

459 (c) As used herein, “unreasonable risk of danger to public safety “means an unreasonable
460 risk that the petitioner will commit a new violent crime.”

461 (d) A person who is resentenced pursuant to subsection (b) shall be given credit for time
462 served and shall be subject to parole for one year following completion of his or her sentence,
463 unless the court, in its discretion, as part of its resentencing order, releases the person from
464 parole.

465 (e) Under no circumstance may resentencing under this act result in the imposition of a
466 term longer than the original sentence.

467 (f) Any petition or application under this section shall be filed within three years after the
468 effective date of this act or at a later date upon a showing of good cause.

469 (g) Nothing in this section is intended to diminish or abrogate any rights or remedies
470 otherwise available to a petitioner.

471 SECTION 46. Section 87A of chapter 276 of the General Laws, as most recently
472 amended by section 121 of chapter 133 of the acts of 2016, is hereby further amended by striking
473 out the first sentence of the third paragraph and inserting in place thereof the following two
474 sentences:--

475 “The court shall waive payment of said fees if it determines after a hearing and upon
476 written finding the person is receiving assistance under one or more of the following programs:

477 transitional aid to families with dependent children, emergency aid to the elderly, disabled and
478 children, the Mass Health program (formerly Medicaid), Title XVI of the Social Security Act, or
479 veterans benefits under section 5 of chapter 115 of the General Laws. The court may waive fees
480 if it determines after a hearing and upon written finding that such payment would constitute an
481 undue hardship upon any other person or his family due to limited income, employment status or
482 any other factor.”

483 SECTION 47. Section 100A of chapter 276 of the General Laws, as appearing in the
484 2014 Official Edition, is amended, by striking in lines 9, 14 and 21, the number “5” and inserting
485 in place thereof the number “3”

486 SECTION 48. Section 100A of chapter 276 of the General Laws, as appearing in the
487 2014 Official Edition, is amended, by striking in lines 12, 15 and 22, the number “10” and
488 inserting in place thereof the number “7”

489 SECTION 49. Section 100A of chapter 276 of the General Laws, as appearing in the
490 2014 Official Edition, is amended by inserting, in line 28, between the number “268A” and the
491 period at the end of the sentence, the words- “,except for convictions for resisting arrest”

492 SECTION 50. Section 100A of chapter 276 of the General Laws, as appearing in the
493 2014 Official Edition, is amended by striking, in line 83, the words “for employment used by an
494 employer” between the words “application” and “which” and inserting in place thereof, the
495 following words:- used to screen applicants for employment, housing or an occupational license”

496 SECTION 51. Section 100A of chapter 276 of the General Laws, as appearing in the
497 2014 Official Edition, is amended by inserting, in line 85 to 86, the words “or for housing or an
498 occupational license” between the words “employment” and “with”

499 SECTION 52. Section 100A of chapter 276 of the General Laws, as appearing in the
500 2014 Official Edition, is amended by inserting, in line 89, the words “or for housing or an
501 occupational license” between the words “employment” and “with”

502 SECTION 53. Section 100A of chapter 276 of the General Laws, as appearing in the
503 2014 Official Edition, is amended by inserting, in line 92, the words “or for housing or an
504 occupational license” between the words “employment” and “may”

505 SECTION 54. Section 100C of Chapter 276 of the General Laws, as appearing in the
506 2014 Official Edition, is amended by striking, in line 23, the words “for employment used by an
507 employer” between the words “application” and “which” and inserting in place thereof, the
508 following words:- used to screen applicants for employment, housing or an occupational license”

509 SECTION 55. Section 100C of Chapter 276 of the General Laws, as appearing in the
510 2014 Official Edition, is amended by inserting, in line 26 through 27, the words “or for housing
511 or an occupational license” between the words “employer” and “with”