

HOUSE No. 1364

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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

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

An Act to fund youth courts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/10/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/31/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/28/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/30/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/22/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>1/31/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/23/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/30/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/29/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/30/2019</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>1/30/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/1/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/30/2019</i>

<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/19/2019</i>
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/29/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>1/31/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/30/2019</i>

HOUSE No. 1364

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1364) of Antonio F. D. Cabral and others relative to the funding of youth courts for first-time juvenile offenders that have committed misdemeanor crimes. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to fund youth courts.

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

1 SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after
2 section 2EEEE the following section:-

3 “Section 2FFFF. There shall be established and set up on the books of the commonwealth
4 a separate fund, to be known as the Youth Court Fund. The fund shall be credited the portion of
5 any proceeds received by the Commonwealth pursuant to section 6D of chapter 280 of the
6 General Laws and shall be administered in accordance therewith by the secretary of public safety
7 and shall not be subject to further appropriation. The state treasurer shall be treasurer and
8 custodian of the fund, shall have the custody of its moneys and shall disperse the moneys
9 according to the request of the secretary of public safety and security. Moneys deposited in the
10 fund shall be used solely for the administration of the provisions of section 6D of said chapter
11 280.”

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

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

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

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

29 (1) who pleads guilty or nolo contendere to or is convicted of a violation of sections 32,
30 32A, 32B, 32C, 32D or 32E of chapter 94C; or

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

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

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

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

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

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