

HOUSE No. 1478

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 for the youth restorative justice fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/19/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/26/2021</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/26/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/18/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>4/21/2021</i>

HOUSE No. 1478

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1478) of Antonio F. D. Cabral and others for legislation to establish a youth restorative justice fund. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act for the youth restorative justice fund.

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. The General Laws, as appearing in the 2018 Official Edition, are hereby
2 amended by inserting after chapter 94I the following chapter:-

3 CHAPTER 94J. YOUTH RESTORATIVE JUSTICE FUND

4 Section 1. There shall be established and set up on the books of the commonwealth a
5 separate fund, to be known as the Youth Restorative Justice Fund. The fund shall be credited the
6 portion of any monies and proceeds received by the Commonwealth pursuant to subsection (d) of
7 section 47 of chapter 94C of the General Laws and shall be administered in accordance therewith
8 by the secretary of public safety. The state treasurer shall be treasurer and custodian of the fund,
9 shall have the custody of its monies and shall disperse the monies according to the request of the
10 secretary of public safety and security. Monies deposited in the fund shall be used solely for the
11 provisions of subsection (d) of section 47 of said chapter 94C.

12 SECTION 2. Subsection (d) of section 47 of chapter 94C of the General Laws, as
13 appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 121-127,
14 inclusive, the second paragraph and inserting in place thereof the following paragraphs:-

15 “(1) The final order of the court shall provide that said monies and the proceeds of any
16 such sale shall be distributed in the following manner: 34 per cent shall be distributed to the
17 Youth Restorative Justice Fund for the support and expansion of restorative justice models of
18 juvenile diversion, provided further that no less than 50 percent of the monies of the fund be
19 directed to Youth Courts; 33 per cent to the prosecuting district attorney or attorney general; and
20 33 per cent to the city, town, or state police department involved in the seizure, provided,
21 however, that more than one department was substantially involved in the seizure, the court
22 having jurisdiction of the forfeiture proceeds shall equitably distribute said proceeds among
23 those departments.

24 (2) For the purposes of this section, ‘youth court’ means any administrative forum,
25 organized as a non-profit or public entity, whereby first-time juvenile offenders who have
26 committed misdemeanor crimes are diverted to an informal proceeding where they receive
27 sanctions based on the recommendation of similarly aged volunteers.

28 (3) The secretary of public safety and security is hereby granted the authority to
29 administer the Youth Restorative Justice Fund established pursuant to subsection (d) of Section
30 47 of Chapter 94C for the purpose of making grants to youth court and juvenile diversion
31 programs using a restorative justice model. Such grants shall be made on an annual basis to these
32 programs, at the discretion of the secretary.

33 (4) A youth court or juvenile diversion program that receives grants established by this
34 section must account for all funds by providing an annual report to the secretary of public safety
35 and security that documents all monies received by the youth court or juvenile diversion program
36 and all payments made by the youth court and provides any additional information the secretary
37 may request.”

38 SECTION 3. Subsection (d) of said section 47 of said chapter 94C, as so appearing, is
39 hereby further amended by striking out the last sentence and inserting in place thereof the
40 following paragraphs:—

41 “On February fifteenth of each year, each district attorney, the attorney general, the
42 colonel and superintendent of the state police, and the secretary of the Executive Office of Public
43 Safety and Security shall post on-line and file a detailed report with the house committee on
44 ways and means, the senate committee on ways and ways and means, and the joint committee on
45 public safety and homeland security containing the total amounts collected pursuant to
46 subsection (d) of section 47 of chapter 94C and each expenditure made from such amounts.
47 Reports filed with said committees annually on February fifteenth shall detail said deposit and
48 expenditure of all monies for the preceding fiscal year and the current fiscal year through
49 December thirty-first.

50 On February fifteenth of each year, each chief of police of such city or town shall file a
51 detailed report with the division of local services of the department of revenue containing the
52 total amounts collected pursuant to subsection d of section 47 of chapter 94C and each
53 expenditure made from such amounts. The division shall post said reports on-line within 60 days
54 of said deadlines and file the report with the house committee on ways and means, the senate

55 committee on ways and means, and the joint committee on public safety and homeland security.
56 Reports filed with said department annually in February fifteenth shall detail such deposits and
57 expenditures of all monies for the preceding fiscal year and the current fiscal year through
58 December thirty-first.”

59 SECTION 4. Effective Date. The district attorney, the attorney general and the secretary
60 of the Massachusetts Executive Office of Public Safety and Security shall post the report
61 described in subsection (a) of this section within 90 days of the close of the fiscal year in which
62 this bill is enacted, or the fifteenth of February, whichever is first. The chief of police or such
63 city or town shall file the report described in subsection (a) of this section within 90 days of the
64 close of the fiscal year in which this bill is enacted, or the fifteen of February, whichever is first.