

HOUSE No. 1557

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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 updating bail procedures for justice-involved youth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/5/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/23/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/26/2021</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>1/13/2022</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/3/2021</i>

HOUSE No. 1557

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 1557) of Carolyn C. Dykema and others relative to bail procedures for justice-involved youth. The Judiciary.

The Commonwealth of Massachusetts

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

An Act updating bail procedures for justice-involved youth.

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 119 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by striking out Section 67 and inserting in place thereof the following:-

3 Section 67. (a) Whenever a child between 12 and 18 years of age is arrested with or
4 without a warrant, as provided by law, and the court or courts having jurisdiction over the
5 offense are not in session, the officer in charge shall immediately notify at least 1 of the child's
6 parents, or, if there is no parent, the guardian or custodian with whom the child resides or if the
7 child is in the custody and care of the department, the department of children and families. If the
8 child is between the age of 14 and 18, the officer in charge shall also immediately notify the bail
9 magistrate, who shall inquire into the case. Pending such notice and inquiry, such child shall be
10 detained pursuant to subsection (c).

11 (b) The youth shall be admitted to bail in accordance with the law. The bail magistrate
12 may direct the officer in charge of the police station or town lockup to accept the written promise

13 of the parent, guardian, custodian or representative of the department of children and families to
14 be responsible for the presence of the child in court at the time and place when the child is
15 ordered to appear, and the child shall be released to the person giving such promise. If the court
16 issuing a warrant for the arrest of a child between 14 and 18 years of age directs in the warrant
17 that the child shall be held in safekeeping pending the child's appearance in court, the child is
18 charged with a crime that is not bailable, or if the child is unable to furnish any sureties required
19 by the bail magistrate for his appearance, the child shall be detained in a police station, town
20 lockup, a place of temporary custody commonly referred to as a detention home of the
21 department of youth services or any other home approved by the department of youth services
22 pending the child's appearance in court; provided further, that in the event any child is so
23 detained, the officer in charge of the police station or town lockup shall notify the parents,
24 guardian, custodian or representative of the department of children and families of the detention
25 of the child.

26 SECTION 2. Section 24 of chapter 262 of the General Laws, as appearing in the 2018
27 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
28 the following:-

29 (a) The maximum fee to be charged by any person authorized to take bail or release on
30 personal recognizance in the case of a person arrested for any misdemeanor or felony shall be
31 \$40, provided however that no fee shall be charged of a juvenile, as defined in M.G.L Chapter
32 119 Section 89. Subject to appropriation, the state Bail Administrator shall provide
33 compensation to any person authorized to take bail or release on personal recognizance in lieu of
34 the fee for each case of a juvenile released on personal recognizance or for whom bail was taken.

35 SECTION 3. Said section 24 of chapter 262, as so appearing, is hereby amended by
36 striking out subsection (c) and inserting in place thereof the following:-

37 (c) The person authorized to take bail who goes to the place of detention where the
38 prisoner is held shall receive the fee before completing the determination of the terms of release,
39 regardless of whether the prisoner ultimately recognizes out-of-court, and is the only person
40 entitled to the compensation provided for in this section. Fee splitting arrangements are
41 prohibited. Individuals authorized to take bail may administer any oath or affirmation required in
42 the course of taking bail or releasing on personal recognizance in person, using a telephone,
43 video conferencing, or other virtual options as determined by the state Bail Administrator. Bail
44 fees can be paid in person or through a virtual or mobile payment option, as determined by the
45 State Bail Administrator. No person authorized to take bail shall delegate the setting or taking of
46 bail or the setting or taking of release on personal recognizance to any other person.