HOUSE DOCKET, NO. 3517 FILED ON: 2/19/2021

HOUSE . . . . . No. 1778

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 resolve:

Resolve establishing a bail reform and pretrial treatment task force.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christopher M. Markey	*9th Bristol*	*2/19/2021*

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By Mr. Markey of Dartmouth, a petition (accompanied by resolve, House, No. 1778) of Christopher M. Markey for an investigation by special commission (including members of the General Court) to study the legal and regulatory framework governing the bail system. The Judiciary.

The Commonwealth of Massachusetts

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

Resolve establishing a bail reform and pretrial treatment task force.

Resolved, There shall be established, pursuant to section 2A of Chapter 4 of the General Laws as appearing in the 2020 Official Edition, a special legislative commission known as the Task Force on Bail Reform and Pretrial Treatment. The task force shall consist of the following 12 members: the governor or his designee; the speaker of the house of representatives or his designee; the senate president or her designee; a member of the house of representatives appointed by the minority leader of the house of representatives; a member of the senate appointed by the minority leader of the senate; the attorney general or her designee; commissioner of probation or designee; president of the Massachusetts District Attorney Association or designee; president of the Massachusetts Sheriffs Association or a designee; executive director of Prisoners' Legal Services or her designee; Chief Justice of the Massachusetts Trial Court; a designee appointed by the Bureau of Substance Addiction Services of the Department of Public Health; chief counsel from Committee for Public Counsel Services; and president of the Massachusetts Bar Association or a designee.

The task force shall conduct an investigation and study the existing legal and regulatory framework of governing current bail system and use of pretrial hearings and treatments including the pretrial release and detention system in the Commonwealth. Further, the task force shall review the feasibility of a cashless bail system while considering, but not limited to, the following guiding principles: pretrial custody should not occur solely because the defendant cannot afford bail; public safety is a fundamental consideration in the pretrial detention decisions; defendants should be released from pretrial custody as early as possible based on an assessment of the risk to public safety and the risk of failing to appear in court; non-financial release alternatives should be available; consistent practices for making pretrial release, detention, and supervision decisions should be established. Further, the task force shall consider the use and breadth of "dangerousness hearings" as defined in Section 58A of Chapter 276 as appearing in the 2016 Official Edition, including but not limited to the ability to hold individuals considered to be a serious danger past the current 120 day holding period limit, limiting hearsay in said hearings, and consider testing such as mental health screenings, alcohol or drug abuse evaluation or any other methods deemed necessary to order medical, psychological, or psychiatric treatment, including treatment for substance or alcohol use disorder. The task force shall also consider any other aspects of bail reform or pretrial services as it sees fit.

The task force shall file a report with the governor, the president of the senate and speaker of the house of representatives regarding the results of its investigation and study within twelve months of the formulation of the task force. The report shall include: (i) an assessment of the current legal and regulatory structures of the bail system in the Commonwealth as well as the treatment of individuals in the pretrial setting; (ii) recommendations for amendments to any

current law, rule, or regulation; and (iii) recommendations for legislation, if any, which shall be filed with the clerks of the house of representatives and senate.