

SENATE No. 923

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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: | |
|--------------------------|------------------------------------|------------------|
| <i>Joseph A. Boncore</i> | <i>First Suffolk and Middlesex</i> | |
| <i>Adam Gomez</i> | <i>Hampden</i> | <i>1/31/2022</i> |

SENATE No. 923

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 923) of Joseph A. Boncore for legislation to update 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

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

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

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

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

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