

SENATE No. 924

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 to provide justice and relief for those who have been exonerated from wrongful convictions.

PETITION OF:

NAME:

Joseph A. Boncore

DISTRICT/ADDRESS:

First Suffolk and Middlesex

SENATE No. 924

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 924) of Joseph A. Boncore for legislation to provide justice and relief for those who have been exonerated from wrongful convictions. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to provide justice and relief for those who have been exonerated from wrongful convictions.

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 268A of the General Laws, as so appearing, is hereby amended by
2 adding the following new section:-

3 Section 30. Prosecutors and law enforcement officers shall act in accordance with the
4 law, be transparent during investigations, hearings, and trials to guarantee that defendants are not
5 deprived of their liberty nor conspire to deprive innocent defendants of access to justice.

6 SECTION 2. Section 1 of chapter 258D of the General Laws, as so appearing, is hereby
7 amended by adding the following subsection:-

8 (H) The claimant and their immediate family shall be entitled to injunctive relief,
9 including:

10 (i) Immediate record expungement for exonerees

- (ii) Classification of exonerees as “special returning citizens”
- (iii) Access to workforce development, training and job placement services
- (iv) Free tuitions and scholarships at state colleges, universities, community colleges,
and vocational schools
- (v) Mental health therapy, respite, and trauma counseling
- (vi) Mediation services for both victims and law officers
- (vii) Housing, addiction treatment, and employment

SECTION 3. Chapter 258D of the General Laws, as so appearing, is hereby amended by adding the following three new sections:-

Section 10. (a) Annual allocations shall be apportioned to The Innocent Convicts dedicated to address and fund the requirements outlined in this section.

(b) The Governor shall also establish a revolving fund to compensate members of the Criminal Defense Bar Association at hourly rates which are competitive with market values.

Section 11. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

“Commission,” the Commission on Truth, Restoration, and Reconciliation

(b) There shall be a permanent Commission on Truth, Restoration, and Reconciliation. The commission shall consist of: 2 persons appointed by the governor; 2 persons appointed by the president of the senate; 2 persons appointed by the speaker of the house of representatives; 2

persons appointed by The Innocent Convicts Organization; and 2 persons appointed by the Committee for Public Counsel Services' Innocence Program. Members shall include state and local criminal justice stakeholders, academics, experts on wrongful convictions, advocates, exonerees, criminal defense attorneys, and citizen groups. Members shall be considered special state employees for purposes of chapter 268A.

(c) Members shall serve terms of 3 years and until their successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term. Nominations for members shall be solicited by the appointing authorities between August 1 and September 16 of each year through an open application process using a uniform application that is widely distributed throughout the state.

(d) The commission shall annually elect from among its members a chair, a vice chair, a treasurer and any other officers it considers necessary. The members of the commission shall receive no compensation for their services; provided, however, that members shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(e) The Commission shall act as an advisory body to the Governor and State Legislature.

(f) The powers of the commission shall include, but not be limited, to: (i) to use the voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed, including provision of meeting places and refreshments; (ii) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it considers necessary; (iii) to direct a staff to perform its duties; (iv) to establish and maintain offices that it considers necessary, subject to appropriation; (v) to enact by-laws for its own governance that are not inconsistent with any general or special law; and (vi)

52 to recommend policies and make recommendations to agencies and officers of the state and local
53 subdivisions of government to effectuate the purposes of subsection (e).

54 Section 12. (a) In accordance with the intent of this chapter, counties shall create Reentry
55 Councils and appoint a local Reentry Coordinator whose role will include the delivery of
56 services to all returning citizens.

57 (b) The Councils' composition and duties shall be developed by the Commission on
58 Truth, Restoration, and Reconciliation. The duties of the Councils shall include the delivery of
59 Exoneration Compensation and Injunctive Relief.