

HOUSE No. 1494

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker Oakley

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>Brandy Fluker Oakley</i> | <i>12th Suffolk</i> | <i>1/19/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/19/2023</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>1/20/2023</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>1/25/2023</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>2/7/2023</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/8/2023</i> |
| <i>Jacob R. Oliveira</i> | <i>Hampden, Hampshire and Worcester</i> | <i>3/13/2023</i> |

HOUSE No. 1494

By Representative Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 1494) of Brandy Fluker Oakley and others for legislation to update bail procedures for justice-involved youth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2943 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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. Section 67 of chapter 119 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in place
3 thereof the following 2 subsections:-

4 (a) If a child who is not less than 12 and not more than 18 years of age is arrested with or
5 without a warrant, as provided by law, and the court having jurisdiction over the offense is not in
6 session, the officer in charge shall immediately notify at least 1 of the child’s parents or, if there
7 is no parent, the guardian or custodian with whom the child resides or, if the child is in the
8 custody and care of the department of children and families, the department. If the child is not
9 less than 14 and not more than 18 years of age, the officer in charge shall also immediately

10 notify the bail magistrate, who shall inquire into the case. Pending such notice and inquiry, the
11 child shall be detained pursuant to subsection (c).

12 (b) The bail magistrate may direct the officer in charge of the police station or town
13 lockup to accept the written promise of the parent, guardian, custodian or representative of the
14 department of children and families to be responsible for the presence of the child in court at the
15 time and place when the child is ordered to appear and the child shall be released to the person
16 giving such promise. If, in the case of a child who is not less than 14 and not more than 18 years
17 of age: (i) the court issuing a warrant for the arrest of the child directs in the warrant that the
18 child shall be held in safekeeping pending the child's appearance in court; (ii) the child is
19 charged with a crime that is not bailable; or (iii) the child is unable to furnish any sureties
20 required by the bail magistrate for the child's appearance, the child shall be detained in a police
21 station, town lockup, place of temporary custody commonly referred to as a detention home of
22 the department of youth services or any other home approved by the department of youth
23 services pending the child's appearance in court; provided, however, that if a child is so detained,
24 the officer in charge of the police station or town lockup shall notify the parent, guardian or
25 custodian of the child or the appropriate representative of the department of children and families
26 of the detention of the child.

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

29 (a) The maximum fee to be charged by any person authorized to take bail or release on
30 personal recognizance shall be \$40; provided, however, that a fee shall not be charged of a
31 juvenile, as defined in section 89 of chapter 119; provided further, that, subject to appropriation,

32 the state bail administrator shall compensate any person authorized to take bail or release on
33 personal recognizance for each case of a juvenile released on personal recognizance or for whom
34 bail was taken and for whom no fee was charged under this subsection.

35 SECTION 3. Subsection (c) of said section 24 of said chapter 262, as so appearing, is
36 hereby amended by striking out the third sentence and inserting in place thereof the following 2
37 sentences:- An individual authorized to take bail may administer an oath or affirmation required
38 in the course of taking bail or releasing on personal recognizance in person or using a telephone,
39 video conferencing application or other virtual option as determined by the state bail
40 administrator. Bail fees may be paid in person or through a virtual or mobile payment option as
41 determined by the state bail administrator.