

HOUSE No. 1805

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

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 implement recommendations of the Commission on structural racism in the parole process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/15/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/3/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/6/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>9/6/2023</i>

HOUSE No. 1805

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 1805) of Andres X. Vargas and James B. Eldridge relative to structural racism in the parole process. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to implement recommendations of the Commission on structural racism in the parole process.

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 4 of chapter 27 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following paragraph:-

4 There shall be in the department, but not subject to its jurisdiction, a parole board,
5 consisting of 9 members, to be appointed by the governor, with the advice and consent of the
6 council, for terms of 5 years. The governor may, with the advice and consent of the council,
7 remove members from the board for cause, upon a written certification of such cause; provided
8 that such member shall have the right to notice and the opportunity for a public hearing before
9 the council relative to such removal.

10 SECTION 2. Said section 4 of said chapter 27, as so appearing, is hereby further
11 amended by inserting after the second paragraph the following paragraph:-

12 At all times, at least 3 members of the parole board shall have at least 5 years of
13 experience in the fields of psychiatry, psychology, social work or the treatment of substance use
14 disorders. One of those 3 members shall be a licensed mental health professional, as defined in
15 section 1 of chapter 123. At all times, 1 of the 9 members of the board shall be someone who has
16 been incarcerated and successfully completed the parole process; a minimum of 3 years shall
17 have passed since the individual completed the parole process and they shall have a professional
18 or volunteer background in at least 1 of the following areas: psychology, mental health or
19 substance use, transitional housing, re-entry after incarceration, public safety or law. If the
20 membership of the parole board does not comply with this paragraph, then every candidate
21 recommended for a parole board position shall possess at least 1 of the qualifications listed
22 above. This provision applies notwithstanding any other provision of law.

23 SECTION 3. Section 5 of said chapter 27, as so appearing, is hereby amended by adding
24 the following paragraph:-

25 No condition of parole shall be ordered unless that condition specifically addresses the
26 particular characteristics of the person and the crime for which they are being paroled. The
27 parole board shall consider whether any condition ordered would have a rehabilitative effect or
28 serve a legitimate public safety goal based on current criminal recidivism and
29 rehabilitation research with clear and convincing evidence.

30 SECTION 4. Said chapter 27, as so appearing, is hereby amended by adding the
31 following section:-

32 Section 8. (a) The parole board shall collect the following data for individuals
33 incarcerated in or paroled from the correctional institutions of the commonwealth, jails or houses
34 of correction:

35 (i) the number of parole violations by race, ethnicity, gender and type of violation;

36 (ii) the number of parole revocations, the cause of the revocation and the race, ethnicity
37 and gender of the individual whose parole permit was revoked;

38 (iii) the number of individuals who are returned to prison for a preliminary hearing on an
39 alleged technical parole violation and the race and ethnicity of each individual;

40 (iv) the number of individuals found to have violated a technical condition of parole at a
41 final revocation hearing that are returned to prison;

42 (v) the number of individuals found to have committed a disciplinary infraction after
43 being granted a parole permit;

44 (vi) the number of individuals eligible for parole who choose to forego the parole process
45 compared to those who pursue a parole permit, by race and ethnicity;

46 (vii) the average time between the date of eligibility for parole, the parole release hearing
47 date, the date of the parole board's decision and the actual release date, disaggregated by race,
48 ethnicity and gender, and disaggregated by house of correction inmates, inmates serving a life
49 sentence and inmates not serving a life sentence;

50 (viii) the average time between the date of the parole board's decision to grant a parole
51 permit and the individual's release;

52 (ix) the percentage of individuals to whom the parole board decides to grant a parole
53 permit but who are not released on parole;

54 (x) the percentage of individuals taken into custody for a parole violation before they
55 have a revocation hearing; and

56 (xi) the percentage of individuals who have had their parole permit revoked and are
57 returned to custody for a technical violation not associated with criminal activity.

58 (b) The parole board shall publish in its annual statistical report the data collected
59 pursuant to subsection (a).

60 (c) The department of correction and the superintendents of the houses of correction shall
61 collect data on the race and ethnicity of their employees. The department of correction shall
62 publish this data in its annual report.

63 SECTION 5. Section 136 of chapter 127 of the General Laws, as so appearing, is hereby
64 amended by inserting after the first paragraph the following paragraph:-

65 The parole board shall issue a detailed record of decision for all cases, including for
66 inmates not serving a sentence for life, which shall include individual details and facts about the
67 case that have led the board to either approve or deny parole. In the case of denial, the parole
68 board shall provide clear instructions for becoming a better candidate for parole.

69 SECTION 6. Section 133A of said chapter 127, as so appearing, is hereby amended by
70 adding the following paragraph:-

71 For every person who is eligible for parole, the parole board shall conduct a public
72 hearing no later than 90 days before the person's parole eligibility date. The hearing shall be

- 73 before a panel of at least 6 members of the board for purposes of granting parole. The board shall
- 74 issue its record of decision no later than 30 days before the parole eligibility date.