

HOUSE No. 3913

The Commonwealth of Massachusetts

PRESENTED BY:

Bud L. Williams

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 relative to missing Black women and girls in Massachusetts.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------------|-----------------------|------------------|
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>1/20/2023</i> |
| <i>Chynah Tyler</i> | <i>7th Suffolk</i> | <i>2/13/2024</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>2/26/2024</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>4/2/2024</i> |
| <i>Samantha Montaño</i> | <i>15th Suffolk</i> | <i>5/9/2024</i> |
| <i>Michael P. Kushmerek</i> | <i>3rd Worcester</i> | <i>5/9/2024</i> |

HOUSE No. 3913

By Representative Williams of Springfield, a petition (accompanied by bill, House, No. 3913) of Bud L. Williams for legislation to protect Black women and girls in the Commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act relative to missing Black women and girls in Massachusetts.

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. The General Court finds and declares that collective action and legislative
2 measures are necessary to protect Black women and girls in the commonwealth. These
3 legislative measures include:

4 (1) Establishing an executive office of missing and murdered Black women and girls to
5 coordinate efforts to disrupt systemic harms that drive disproportionate harm to Black women
6 and girls;

7 (2) Establishing a permanent community-centered advisory committee on missing and
8 murdered Black women and girls;

9 (3) Establishing an Ebony Alert notification system designed to issue and coordinate
10 alerts with respect to Black women and girls, who are reported missing under unexplained or
11 suspicious circumstances; and

(4} Coordinate and collect data and resources about: (i) missing person and homicide cases involving Black women and girls; (ii) ebony alerts; (iii) case management, referral services, joint initiatives and best practices.

SECTION 2. Chapter 6 of the General Laws is hereby amended by adding the following section:-

Section 222. (a) There shall be in the executive office of public safety and security an office of missing and murdered Black women and girls dedicated to preventing and ending the targeting of Black women and girls.

(b) The secretary shall appoint a director of the office who is a person closely connected to the Black community and who is highly knowledgeable about criminal investigations and the issues of Black women and girls. The secretary is encouraged to consider candidates for appointment who are recommended by members of the Black community.

(b) The director may select, appoint assistants and employees as necessary to discharge the office's responsibilities.

(c) The office of missing and murdered Black women and girls shall have the following duties:

(1) collect data on missing person and homicide cases involving Black women and girls, including the total number of cases, the rate at which the cases are solved, the length of time the cases remain open, and a comparison to similar cases involving different demographic groups;

(2) collect data on Amber Alerts and Ebony Alerts, including the total number of Amber Alerts and Ebony Alerts issued, the total number of Amber Alerts that involve Black girls, and the outcome of cases involving Amber Alerts disaggregated by the child's race and sex;

(3) collect data on reports of missing Black girls, including the number classified as voluntary runaways, and a comparison to similar cases involving different demographic groups;

(4) analyze and assess the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(5) develop recommendations for legislative, agency and community actions to address the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(6) analyze and assess the intersection between cases involving murdered Black women and girls and domestic violence, including prior instances of domestic violence within the family or relationship, whether an offender had prior convictions for domestic assault or related offenses, and whether the offender used a firearm in the murder or any prior instances of domestic assault;

(7) develop recommendations for legislative, agency and community actions to address the intersection between cases involving murdered Black women and girls and domestic violence;

(8) develop tools and processes to evaluate the implementation and impact of the efforts of the office;

(9) track and collect Massachusetts data on missing and murdered Black women and girls, and provide statistics on its website and upon public or legislative inquiry;

(10) conduct case reviews and report on the results of case reviews for the following types of cases involving missing and murdered Black women and girls: cold cases for missing Black women and girls and death investigation review for cases of Black women and girls ruled as suicide or overdose under suspicious circumstances;

(11) conduct case reviews of the prosecution and sentencing for cases where a perpetrator committed a violent or exploitative crime against a Black woman or girl. These case reviews shall identify those cases where the perpetrator is a repeat offender;

(12) prepare draft legislation as necessary to allow the office access to the data necessary for the office to conduct the reviews required in this section and advocate for passage of that legislation;

(13) develop and maintain communication with relevant agencies, departments, offices, bureaus and divisions in the executive office of public safety and security regarding any cases involving missing and murdered Black women and girls and on procedures for investigating cases involving missing and murdered Black women and girls;

(14) consult and coordinate with the advisory committee on missing and murdered Black women and girls;

(15) coordinate, as relevant, with federal efforts, and efforts in neighboring states;

(16) develop recommendations for legislative and agency actions to address injustice in the criminal justice system's response to cases of missing and murdered Black women and girls;

(d) The office shall report on measurable outcomes achieved to meet its statutory duties, along with specific objectives and outcome measures proposed for the following year. The report shall include data and statistics on missing and murdered Black women and girls in Massachusetts, including names, dates of disappearance, and dates of death, to the extent the data is publicly available. Annually, the office shall submit the report by January 15 to the governor, the secretary and the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.

(e) Subject to appropriation, the office may issue grants to community-based organizations that provide services designed to prevent or end the targeting of Black women or girls, or to provide assistance to victims of offenses that targeted Black women or girls. Grant recipients shall:

(1) provide services designed to reduce or prevent crimes or other negative behaviors that target Black women or girls;

(2) provide training to the community about how to handle situations and crimes involving the targeting of Black women and girls, including but not limited to training for law enforcement officers, district attorneys, judges and other criminal justice partners; or

(3) provide services to Black women and girls who are victims of crimes or other offenses, or to the family members of missing and murdered Black women and girls.

(f) Notwithstanding any general or special law to the contrary, the director of the office shall have access to corrections and juvenile and adult detention data and medical data maintained by any agency and classified as private information on individuals or confidential data on individuals to the extent the data is necessary for the office to perform its duties.

(g) There shall be within the office of missing and murdered Black women and girls, but not subject to its control, the advisory commission on missing and murdered Black women and girls. The commission shall be community centered. The commission shall serve as a liaison between the office and agencies and nonprofit, nongovernmental organizations that provide legal, social or other community services to victims, victims' families and victims' communities.

Annually, the task force shall examine and report to the director of the office, the governor and the General Court on the following:

(1) the systemic causes behind violence that Black women and girls experience, including patterns and underlying factors that explain why disproportionately high levels of violence occur against Black women and girls, including underlying historical, social, economic, institutional and cultural factors which may contribute to the violence;

(2) appropriate methods for tracking, collecting and coordinating data on violence against Black women and girls, including data on missing and murdered Black women and girls;

(3} the coordination and collection of data and resources about: (i) missing person and homicide cases involving Black women and girls; (ii) Ebony Alerts; (iii) case management, referral services, joint initiatives and best practices;

(4) Coordinate and consult with the office and law enforcement officials on the commonwealth's Ebony Alert system;

(5) policies and institutions such as policing, child welfare, medical examiner practices, and other governmental practices that impact violence against Black women and girls and the investigation and prosecution of crimes of gender violence against Black people;

115 (6) measures necessary to address and reduce violence against Black women and girls;
116 and

117 (7) measures to help victims, victims' families and victims' communities prevent and heal
118 from violence that occurs against Black women and girls.

119 At its discretion, the task force may examine other related issues consistent with this
120 section as necessary.

121 The task force on missing and murdered Black women and girls shall consist of the
122 following individuals, or their designees, who are knowledgeable in issues affecting Black
123 women and girls, crime victims' rights, violence protection, missing children and, unless
124 otherwise specified, members shall be appointed by the director:

125 (1) 2 persons appointed by the senate, 1 appointed by the president of the senate and 1
126 appointed by the minority leader;

127 (2) 2 persons appointed by the house of representatives, 1 appointed by the speaker of the
128 house and 1 appointed by the minority leader;

129 (3) 3 persons appointed by the Massachusetts Black and Latino Legislative Caucus or its
130 successor organization, none of whom shall be a member of the general court;

131 (4) 2 persons appointed by the Massachusetts Association of Minority Law Enforcement
132 Officers, Inc.

133 (5) 5 representatives from among the following:

134 (i) the State Police Association of Massachusetts;

135 (ii) the State Police Commissioned Officers Association of MA, Inc.;

136 (iii) the Massachusetts Chiefs of Police Association;

137 (iv) the Massachusetts Police Association

138 (v) the Massachusetts Sheriffs' Association;

139 (6) 1 or more representatives from among the following:

140 (i) the Massachusetts District Attorneys Association;

141 (ii) the United States Attorney's Office;

142 (iii) a judge or attorney working in juvenile court;

143 (7) the state medical examiner or a designee; and

144 (8) 5 or more representatives from among the following:

145 (i) a statewide or local organization that provides legal services to Black women and

146 girls;

147 (ii) a statewide or local organization that provides advocacy or counseling for Black

148 women and girls who have been victims of violence;

149 (iii) a statewide or local organization that provides services to Black women and girls;

150 (iv) a Black woman who is a survivor of gender violence;

151 (v) a Black woman who is a family member of a murdered or missing Black woman or

152 girl.

153 The advisory commission shall elect a chair and vice-chair and may elect other officers as
154 necessary.

155 The secretary of public safety and security shall provide meeting space and
156 administrative assistance as necessary for the advisory committees to conduct its work.

157 The advisory committee shall meet at least quarterly, or upon the call of its chair, and
158 may hold meetings throughout the state.

159 SECTION 3. Chapter 22C of the General Laws is hereby amended by inserting after
160 section 71 the following section:-

161 Section 71A. (a) For purposes of this section, “Ebony Alert” means a notification system,
162 activated pursuant to subsection (b), designed to issue and coordinate alerts with respect to Black
163 youth, including young women and girls, who are reported missing under unexplained or
164 suspicious circumstances.

165 (b) If a person is reported missing to a law enforcement agency and that agency
166 determines that the requirements of subsection (c) are met, the law enforcement agency may
167 request the department to activate an Ebony Alert. If the department concurs that the
168 requirements of subsection (c) have been met, it shall activate an Ebony Alert within the
169 appropriate geographical area requested by the investigating law enforcement agency.

170 (c) A law enforcement agency may request that an Ebony Alert be activated if that
171 agency, after considering any of the following factors, determines that an Ebony Alert would be
172 an effective tool in the investigation of missing Black youth, including a young woman or girl:

173 (1) the missing person is between 12 to 25 years of age, inclusive;

174 (2) the missing person suffers from a mental, intellectual or physical disability;

175 (3) the person is missing under circumstances that indicate any of the following:

176 (A) the missing person's physical safety may be endangered;

177 (B) the disappearance of the missing person may not have been voluntary, including an

178 abduction or kidnaping;

179 (C) the missing person may be subject to trafficking;

180 (4) the law enforcement agency determines that the person has gone missing under

181 unexplained or suspicious circumstances;

182 (5) the law enforcement agency believes that the person is in danger because of age,

183 health, mental or physical disability, or environment or weather conditions, that the person is in

184 the company of a potentially dangerous person, or that there are other factors indicating that the

185 person may be in peril;

186 (6) the investigating law enforcement agency has utilized available local resources;

187 (7) there is information available that, if disseminated to the public, could assist in the

188 safe recovery of the missing person.

189 (d) Pursuant to subsection (b), upon receipt of a request by the law enforcement agency,

190 the department shall activate the Ebony Alert and notify the broadcast media serving the

191 commonwealth of the establishment of a statewide Ebony Alert system and invite their voluntary

192 participation. The department shall arrange for participating broadcast media to voluntarily

193 agree, upon notice from the department, to transmit emergency alerts to inform the public of an

194 Ebony Alert that has occurred within their broadcast service regions. Information, material and
195 records transmitted or maintained pursuant to an Ebony Alert under this section shall not, as a
196 result of any such alert or transmission, be a public record in the custody of the department or
197 other state agencies and authorities and such information, material and records shall not be
198 disclosed except as provided by this section.

199 (e) The department shall promulgate any rules or regulations necessary for the
200 implementation of this section.