

HOUSE No. 4598

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 9, 2024.

The committee on The Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 993) of Adam Gomez and Sal N. DiDomenico for legislation to update bail procedures for justice-involved youth and the petition (accompanied by bill, House, No. 1494) of Brandy Fluker Oakley and others for legislation to update bail procedures for justice-involved youth, reports recommending that the accompanying bill (House, No. 4598) ought to pass.

For the committee,

MICHAEL S. DAY.

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**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 2022
2 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in place
3 thereof the following subsections:-

4 (a) Whenever a child who is not less than 12 and not more than 18 years of age is
5 arrested with or without a warrant, as provided by law, and the court or courts having jurisdiction
6 over the offense are not in session, the officer in charge shall immediately notify at least 1 of the
7 child’s parents or, if there is no parent, the guardian or custodian with whom the child resides or,
8 if the child is in the custody and care of the department of children and families, the department.
9 If the child is not less than 14 and not more than 18 years of age, the officer in charge shall also
10 immediately notify the bail magistrate, who shall inquire into the case. Pending such notice and
11 inquiry, the child shall be detained pursuant to subsection (c).

12 (b) The youth shall be admitted to bail in accordance with the law. The bail magistrate
13 may direct the officer in charge of the police station or town lockup to accept the written promise

14 of the parent, guardian, custodian or representative of the department of children and families to
15 be responsible for the presence of the child in court at the time and place when the child is
16 ordered to appear and the child shall be released to the person giving such promise. If no bail
17 magistrate is called the officer in charge may accept such written promise. If, in the case of a
18 child who is not less than 14 and not more than 18 years of age: (i) the court issuing a warrant for
19 the arrest of the child directs in the warrant that the child shall be held in safekeeping pending the
20 child's appearance in court; (ii) the child is charged with a crime that is not bailable; or (iii) the
21 child is unable to furnish any sureties required by the bail magistrate for the child's appearance,
22 the child shall be detained in a police station, town lockup, place of temporary custody
23 commonly referred to as a detention home of the department of youth services or any other home
24 approved by the department of youth services pending the child's appearance in court; provided,
25 however, that if a child is so detained, the officer in charge of the police station or town lockup
26 shall notify the parent, guardian or custodian of the child or the appropriate representative of the
27 department of children and families of the detention of the child.