HOUSE . . . . . No. 4837

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 10, 2024.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1805) of Andres X. Vargas and James B. Eldridge relative to structural racism in the parole process, reports recommending that the accompanying bill (House, No. 4837) ought to pass.

For the committee,

MICHAEL S. DAY.

FILED ON: 6/28/2024

HOUSE . . . . . No. 4837

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:

SECTION 1. Section 4 of chapter 27 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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

SECTION 2. Said section 4 of said chapter 27, as so appearing, is hereby further amended by, in line 36, inserting after the word “qualifications;” the following words:- ; provided further, however, that the panel may, submit the name of a formerly incarcerated individual who has completed the parole process no less than 3 years previously.

SECTION 3. Said section 4 of said chapter 27, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

At all times, at least 3 members of the parole board shall have at least 5 years of experience in the fields of psychiatry, psychology, social work or the treatment of substance use disorders. One of those 3 members shall be a licensed mental health professional, as defined in section 1 of chapter 123. At least 1 member of the board shall be a formerly incarcerated individual who has completed the parole process no less than 3 years previously. If the membership of the parole board does not comply with this paragraph, then every candidate recommended for a parole board position shall possess at least 1 of the qualifications listed above.

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

Section 8. (a) The parole board shall collect and publish the following data annually:

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

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

(iii) the number of individuals who are returned to prison for a preliminary hearing on an alleged technical parole violation, by race, ethnicity and gender;

(iv) the number of individuals found to have violated a technical condition of parole at a final revocation hearing that are returned to prison, by race, ethnicity and gender;

(v) the number of individuals found to have committed a disciplinary infraction after being granted a parole permit, by race, ethnicity and gender;

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

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

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

(ix) the percentage of individuals granted a parole permit who are not released on parole;

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

(c) The department of correction and the sheriffs supervising the houses of correction shall collect and publish annually the following data:

(i) the race, ethnicity and gender of their employees, broken down by department;

(ii) the percentage of individuals who have had their parole permit revoked and are returned to custody for technical violations not associated with criminal activity;

SECTION 5. Section 130 of chapter 127 of the General Laws, as so appearing, is hereby amended by inserting, in line 45, after the word "sentence." the following words:-

Conditions of parole, excepting payment of child support due under a support order, shall include terms specific to the offense and the offender's background. The parole board shall consider the rehabilitative effect of any condition ordered and whether the condition serves any public safety or rehabilitative purpose. The parole board shall make a written record of the particular facts relative to each offender that justify each condition of parole.

SECTION 6. Said section 130 of said chapter 127 of the General Laws, as so appearing, is hereby amended by striking, in lines 14 - 16, the words "The record of the board's decision shall contain a summary statement of the case indicating the reasons for the decision," and inserting in place thereof the following words:-

A record of the board's decision shall be issued in all cases, including inmates not serving a sentence for life, and in the case of denial shall provide clear instructions on the terms, services and requisites needed to become a better candidate for parole. The record of the board's decision shall contain a detailed record for all cases, including case-specific facts and reasoning that led to the decision.

SECTION 7. Section 133A of said chapter 127, as so appearing, is hereby amended by inserting, in line 47, after the second paragraph, the following paragraph:-

At each such hearing a correctional program officer or correctional facility staff member from the facility where the prisoner is being held shall be present and inform the parole board of which services are available to the specific prisoner being considered for parole at a given time. The designee may weigh in on reserve restrictions set by the parole board to verify that the prisoner will be able to qualify, comply with classification, or complete terms, services and

requisites requested. When a reserve vote to lower security is made, the prisoner must be given the opportunity to appear before a classification board in 30 days.