SENATE DOCKET, NO. 186 FILED ON: 1/11/2023

SENATE . . . . . No. 993

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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:	
Adam Gomez	*Hampden*	
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/9/2023*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*3/13/2023*

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SENATE . . . . . No. 993

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 993) of Adam Gomez and Sal N. DiDomenico 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:

SECTION 1. Section 67 of chapter 119 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

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

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

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

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

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

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

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