

SENATE No. 1242

The Commonwealth of Massachusetts

PRESENTED BY:

Pavel M. Payano

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 pre-adjudication credit for juvenile offenders.

PETITION OF:

NAME:

Pavel M. Payano

DISTRICT/ADDRESS:

First Essex

SENATE No. 1242

By Mr. Payano, a petition (accompanied by bill, Senate, No. 1242) of Pavel M. Payano for legislation relative to pre-adjudication credit for juvenile offenders. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to pre-adjudication credit for juvenile offenders.

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 1a. Section 58 of Chapter 119 of the General Laws, as appearing in the 2022
2 official edition, is hereby amended by inserting after the word “maturity” in line 65 the
3 following:- the period of time the youthful offender spent in a secure detention facility awaiting
4 trial, the period of time the youthful offender spent on an electronic monitoring bracelet awaiting
5 trial;

6 SECTION 1b. Section 58 of Chapter 119 of the General Laws, as appearing in the 2022
7 official edition, is hereby amended by inserting after the fifth paragraph the following paragraph:

8 The court shall order that a youthful offender, who receives either a sentence as provided
9 by the law or a combination sentence pursuant to this section, be deemed to have served a
10 portion of their sentence pursuant to Chapter 279 Section 33A.

11 SECTION 2. Section 68 of chapter 119 of the General Laws, as appearing in the 2022
12 official edition, is hereby amended by adding the following paragraph:-

The department shall prepare and submit a report to the court prior to adjudication for children who are detained or spent time on an electronic monitoring bracelet before adjudication that shall include the following:

- i) The length of time the youthful offender spent in DYS custody before trial.
- ii) The period of time the youthful offender spent on an electronic monitoring bracelet awaiting trial
- iii) The participation of the youthful offender in DYS programming including but not limited to educational and vocational programming.
- iv) The behavior and compliance of the youthful offender during their pre-trial detention and/or prior commitment.
- v) The department shall include only positive details that the department deems could positively impact their sentencing.

SECTION 3. Section 5 of Chapter 120 of the General Laws, as appearing in the 2022 official edition, is hereby amended by adding the following subsections:-

- (f) The department shall incorporate the following into the internal evaluation prepared once a youthful offender is committed to their custody.
 - i) The length of time the youthful offender spent in DYS custody before trial.
 - ii) The participation of the youthful offender in DYS programming including but not limited to educational programming.
 - iii) The behavior and compliance of the youthful offender during their commitment.

33 g) When the youthful offender is in the custody of the department before adjudication,
34 the department shall inform the youthful offender that their behavior, compliance, and
35 participation in DYS programs shall be considered in sentencing and that, if a judge commits
36 them to DYS custody after their trial, for their internal evaluation by the department.