HOUSE DOCKET, NO. 2009 FILED ON: 1/20/2011

HOUSE . . . . . No. 2596

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin J. Murphy

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 placing the Department of Youth Services under the jurisdiction of the Department of Public Safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin J. Murphy	*18th Middlesex*

HOUSE DOCKET, NO. 2009 FILED ON: 1/20/2011

HOUSE . . . . . No. 2596

By Mr. Murphy of Lowell, a petition (accompanied by bill, House, No. 2596) of Kevin J. Murphy for legislation to place the Department of Youth Services under the jurisdiction of the Department of Public Safety. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2955* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to placing the Department of Youth Services under the jurisdiction of the Department of Public Safety.

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 1 of Chapter 18A of the General Laws is hereby amended by striking out the section in its entirety and replacing the section as follows:

Section 1. There shall be a department of youth services, in this chapter called the department, which shall be under the supervision and control of a commissioner of youth services, in this chapter called the commissioner. The commissioner of public safety shall appoint, with the approval of the governor, the commissioner who shall serve at the pleasure of the commissioner of public safety and may be removed by the commissioner of public safety at any time, subject to the approval of the governor. The commissioner shall, at the time of his appointment, be qualified by having earned from an accredited institution a graduate degree in the social sciences, education, law or related fields and by having no less than seven years

11 professional or administrative experience in work related to the problems of delinquent children
12 and youth. The position of commissioner shall be classified in accordance with section forty-five
13 of chapter thirty and the salary shall be determined in accordance with section forty-six C of said
14 chapter thirty; he shall devote his full time during business hours to the duties of his office, shall
15 be the executive head of the department and shall have full responsibility for the formulation and
16 execution of all its policies and the coordination of all of its functions. He shall appoint and may
17 remove all employees in the department. Unless otherwise provided by law, all such
18 appointments and removals shall be made in accordance with the provisions of chapter thirty-
19 one.

20 Powers and duties given to any administrative bureau, subdivision or institution of
21 the department by any general or special law shall be exercised and discharged subject to the
22 direction, control and supervision of the commissioner. The department may expend such sums
23 as may be appropriated for grants to cities and towns and to other public agencies and for the
24 purchase of services from other government departments and agencies and from private
25 nonprofit agencies to carry out any of the program and purposes of the department. The
26 commissioner may establish, subject to appropriation, such district offices and employ such field
27 agents as shall be necessary or desirable to carry out the program and purposes of the
28 department. Federal funds granted to the commonwealth to aid in the financing of any of the
29 program and policies of the department shall be credited to a separate fund on the books of the
30 commonwealth only for the purposes of such expenditures to be made under the direction of the
31 commissioner. Federal funds paid as reimbursement to the commonwealth shall be deposited in
32 the General Fund.

33 SECTION 2. Section 3 of said Chapter 18A of the General Laws is hereby
34 amended by striking out the section in its entirety and replacing the section as follows:

35 Section 3. The commissioner shall appoint, with the approval of the
36 commissioner of public safety, a deputy commissioner who shall not be subject to the provisions
37 of chapter thirty-one and to whom the provisions of section nine A of chapter thirty shall not
38 apply, but who shall possess the same qualifications required of the commissioner, except that he
39 shall have had not less than five years of experience in work related to juvenile delinquency, of
40 which at least two shall have been as an administrator. Said deputy commissioner shall serve at
41 the pleasure of the commissioner, and shall devote his full time during business hours to the
42 duties of his office. He shall exercise such authority and discharge such duties of the
43 commissioner as the commissioner may from time to time delegate to him and, in the absence or
44 incapacity of the commissioner, or in the event of a vacancy in the office of commissioner, shall
45 act as the commissioner until the absence or incapacity shall have terminated or the vacancy
46 shall have been filled.

47 SECTION 3. Section 9 of said Chapter 18A of the General Laws is hereby
48 amended by striking out the section in its entirety and replacing the section as follows:

49 Section 9. There shall be in the department an advisory committee consisting of
50 the commissioner of youth services, the commissioner of welfare, the commissioner of the office
51 for children, the commissioner of mental health, the commissioner of education, the chairman of
52 the parole board, the commissioner of correction, the commissioner of probation, the
53 commissioner of rehabilitation, the chairman of the Massachusetts commission against
54 discrimination, the executive secretary of the Massachusetts Society for the Prevention of

55 Cruelty to Children, and the executive secretary of the Massachusetts Committee on Children
56 and Youth, all of whom shall serve ex officiis, and nine other persons to be appointed by the
57 commissioner of public safety, with the approval of the governor. Such persons shall have
58 demonstrated professional involvement and expertise in the area of delinquency prevention,
59 rehabilitation, and treatment. Upon the expiration of the term of office of any appointed member,
60 his successor shall be appointed for a term of three years. Any vacancy shall be filled by the
61 commissioner of public safety for the remainder of the unexpired term. The commissioner of
62 public safety shall appoint from the members of said committee a chairman and a vice chairman.
63 The committee may appoint a full time executive secretary. Members of said committee shall
64 serve without compensation, but each member shall be reimbursed by the commonwealth for all
65 reasonable expenses incurred in the performance of his official duties.

66 Said advisory committee shall have the following duties: (a) It shall advise the
67 commissioner on policy, program development and priorities of need in developing a
68 comprehensive program (1) for the treatment, rehabilitation and custody of juvenile offenders
69 and (2) for integration of the juvenile offender into constructive community life. (b) It shall
70 review the annual plan and the proposed annual budget for the department, and shall make
71 recommendations to the commissioner relative thereto. (c) It shall advise on the recruitment
72 policies of the schools in the department. (d) It shall submit an annual report in which it may
73 propose legislation and present material for the education of the public. (e) It shall visit, at its
74 discretion, every institution and facility within the jurisdiction of the department. It shall meet at
75 least four times a year and shall convene special meetings at the call of the chairman of the
76 committee, a majority of the committee, or the commissioner. For the purposes of holding
77 meetings and conducting official business, a majority of the membership shall constitute a

78 quorum. A written record of all meetings of the committee shall be maintained by the executive

79 secretary and a copy filed within fifteen days after each meeting by said secretary with the

80 commissioner of administration and finance.