HOUSE DOCKET, NO. 3047 FILED ON: 1/21/2011

HOUSE . . . . . No. 2831

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 passage of the accompanying:

An Act regarding the classifications system for prisoners in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Denise Provost	*27th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Ellen Story	*3rd Hampshire*

HOUSE DOCKET, NO. 3047 FILED ON: 1/21/2011

HOUSE . . . . . No. 2831

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2831) of Kay Khan and others that the Department of Corrections issue regulations relative to the classification of prisoners. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1485* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regarding the classifications system for prisoners in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas, the cost of imprisoning offenders in the prisons, jails, and houses of correction of the commonwealth has reached approximately one billion dollars per year; and

Whereas, no more than ** percent of that cost is at present devoted to education, vocational, and therapeutic programming for offenders; and

Whereas, the cost of imprisoning an offender in a high security correctional facility has reached well over fifty thousand dollars per year; and

Whereas, the cost of imprisoning an offender in a low security or pre-release facility is approximately sixty percent of the cost of high security confinement; and

Whereas, it has been known since at least 1987 that a disproportionate number of incarcerated offenders in this commonwealth are confined in high security facilities; and

Whereas, between 1994 and 2004, the percentage of offenders in minimum security facilities declined from twenty three percent to eleven percent and the percentage of offenders in maximum security facilities increased from nine percent to nineteen percent; and

14 Whereas, twelve percent of Massachusetts offenders are currently being released to our
15 communities from maximum security facilities, which is more than twice the percentage of such
16 releases in other states; and

17 Whereas, it is more practicable and less expensive to conduct education, vocational, and
18 therapeutic programming for offenders in lower security correctional facilities; and

19 Whereas, the administrative method for determining the security and rehabilitative
20 programming requirements of each prisoner in the custody of Commonwealth is known as
21 "classification;"

22 It is hereby resolved, That in order to contain correctional costs and promote the
23 rehabilitation of offenders in a manner that balances the need to prepare offenders to live within
24 the law with the security requirements of public safety; the General Court hereby establishes the
25 following requirements for all classification regulations and procedures promulgated by the
26 commissioner of correction.

27 Section 2.

28 Chapter 127 of the General Laws, as appearing in the 2000 Official Edition, is hereby
29 amended by inserting after section *** the following section:—

30 Section *** . The commission of correction shall promulgate regulations and procedures
31 for the classification of all persons committed to his custody and to the custody of the several
32 sheriffs.

33 Section *** A. The classification regulations and procedures employed by the
34 commissioner of correction shall create an objective, validated, point-based classification
35 system.

36 Section *** B. The classification regulations and procedures employed by the
37 commissioner shall require that no more than fifteen percent of offenders be classified to
38 maximum security correctional facilities at any time, and that no less than thirty percent of
39 offenders be classified to minimum security, including pre-release or work-release correctional
40 facilities, at all times.

41 Section *** C. The classification regulations and procedures employed by the
42 commissioner shall ensure that no less than eighty percent of offenders progress to minimum
43 security or pre-release correctional facilities by the time they have completed eighty percent of
44 the minimum term of their sentence or aggregated sentences.

45 Section 3. The requirements of this section shall apply and control the movement of all
46 incarcerated sentenced offenders through the correctional facilities of the commonwealth
47 notwithstanding the provisions of any other previously enacted legislation.