HOUSE DOCKET, NO. FILED ON: 1/2/2009

**HOUSE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Eugene L. O'Flaherty**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 bill:

An Act relative to prisoner re-entry.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Eugene L. O'Flaherty | 2nd Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1662 OF .]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act relative to prisoner re-entry.

*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.  Chapter 127 is hereby amended by inserting after section 49 the following section:

CHAPTER 49A.  INMATE RE-ENTRY PROGRAMMING

Section 1.  Each Sheriff  (except the Sheriff of Nantucket) shall maintain the authority to develop, implement and revise as periodically necessary, a curriculum of programs and instructional education for inmates sentenced to a House of Correction, provided the superintendent of a correctional facility has recommended that the inmate receive such programming per the requirements of section 49 of this chapter, and shall focus such programming to prepare for and facilitate the inmates’ re-entry to the community.

Section 2.  In conjunction with the curriculum of programs and instructional education referred to in Section 1, each Sheriff (except the Nantucket sheriff), shall, subject to appropriation, maintain responsibility for the development and implementation of a mandatory individual re-entry plan for each county inmate incarcerated in a House of Correction and recommended by the Superintendent for participation in a program of instruction per the requirements of section 49 of this chapter, that will commence prior to the scheduled date of the inmate’s release from the House of Correction and continue through and during a pre-determined period of post-release supervision and after-care.  The Sheriff shall ensure notification to local law enforcement authorities of the inmate’s release.

Section 3.  The Sheriff’s responsibility for implementation of a mandatory individual re-entry plan shall extend for a period not less than 60 days for each ten-month period of the inmate’s sentence and not more than a total of 180 days from the date of an inmate’s release from the House of Correction.  For the period of time allocated to implementation of the mandatory individual re-entry plan, the inmate will be considered under the supervision of the Sheriff.

Section 4.  The Sheriff may assign lawful terms, conditions and rules to the inmate while such inmate is under post-release supervision of the Sheriff and return such inmate to custody, at any point during implementation of the individual re-entry plan, if the inmate is found to be in violation of said terms, conditions and rules.

Section 5.  The commissioner of the department of correction or the chairperson of the parole board may enter into interagency agreements with sheriffs for purposes of developing and implementing individual re-entry plans for prisoners in the custody of the department of correction or the parole board who is determined appropriate by classification, history of conduct while in  custody and within one year of scheduled release from custody and who otherwise is recommended by the superintendent of a correctional facility for participation in a prisoner re-entry plan.  In such instances, the prisoners selected for individual re-entry plans shall be transferred to the supervisory custody of the Sheriff and shall be subject to the rules and policies of the house of correction and, upon implementation of an individual re-entry plan, shall be held to the requirements of said plan.