SENATE DOCKET, NO. FILED ON: 1/12/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Mr. Galluccio**

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*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 to establish a special commission to examine diversionary justice programs.

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

PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Mr. Galluccio | Middlesex, Suffolk and Essex |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act to establish a special commission to examine diversionary justice programs.

 *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. Because the implementation of diversionary justice programs is necessary to provide young adult offenders charged with first-time, non-violent offenses reasonable, responsible and positive alternatives to the criminal justice system, to reduce costs and caseload burdens on courts and the criminal justice system, and to minimize recidivism and promote employment opportunities, there shall be established a special commission to examine existing diversionary justice programs in the commonwealth. The special commission shall consist of 18 members: the Attorney General or his/her designee whom shall serve as chair; 4 district attorneys of the commonwealth appointed by the Massachusetts District Attorneys Association; a judge representing the district court and a judge representing the Boston Municipal Court appointed by the Chief Justice for Administration and Management of the Trial Court; the commissioner of probation or his/her designee; 2 municipal chiefs of police appointed by the President of the Massachusetts Chiefs of Police Association; chairs of the Senate and House Judiciary Committee or their designees; 1 member appointed by the President of the State Senate; 1 member appointed by the Speaker of the House of Representatives; and 4 members appointed by the Governor who shall be experts in at-risk youth behavior. All appointments shall be made within 30 days of the effective date of this act. Members of the special commission shall serve without compensation.

The special commission shall examine: (1) existing pre-trial diversion programs; (2) options for improving or modeling such programs; (3) appropriate age ranges and offenses for pre-trial diversion; (4) mechanisms for screening and identifying prior to arraignment the eligibility of offenders for pre-trial diversionary programs; (5) terms and conditions to be imposed on offenders eligible for pre-trial diversion; (6) the monitoring of an offender’s adherence to terms and conditions imposed; (7) methods for referring eligible offenders to agencies and organizations that can assist with counseling, community resources, referrals to drug and alcohol dependency treatment, and educational services; (8) the criminal offender record information system as it relates to offenders that have successfully completed a diversionary justice program and the sealing of such offender’s records; (9) budgetary needs for the development, implementation and administration of diversionary justice programs; and (10) any other issue the special commission determines relevant to implementing and administering diversionary justice programs.

The special commission shall notify all district attorneys of the commonwealth and police chiefs of the commonwealth of the commission’s existence and goals to provide an opportunity for each to submit comments to the commission. Not later than 9 months after the effective date of this act, the special commission shall submit to the Clerks of the House and Senate its detailed findings, including budgetary needs and legislative and administrative recommendations to support diversionary justice programs in the commonwealth and any recommendations for legislation.