

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Geraldo Alicea

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

PETITION OF:

NAME:

Geraldo Alicea

DISTRICT/ADDRESS:

6th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3169 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**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:*

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

3
4 Section 1. There shall be a department of youth services, in this chapter called the department, which shall be
5 under the supervision and control of a commissioner of youth services, in this chapter called the commissioner. The
6 commissioner of public safety shall appoint, with the approval of the governor, the commissioner who shall serve at
7 the pleasure of the commissioner of public safety and may be removed by the commissioner of public safety at any
8 time, subject to the approval of the governor. The commissioner shall, at the time of his appointment, be qualified by
9 having earned from an accredited institution a graduate degree in the social sciences, education, law or related fields
10 and by having no less than seven years professional or administrative experience in work related to the problems of
11 delinquent children and youth. The position of commissioner shall be classified in accordance with section forty-five
12 of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty; he
13 shall devote his full time during business hours to the duties of his office, shall be the executive head of the
14 department and shall have full responsibility for the formulation and execution of all its policies and the
15 coordination of all of its functions. He shall appoint and may remove all employees in the department. Unless
16 otherwise provided by law, all such appointments and removals shall be made in accordance with the provisions of
17 chapter thirty-one.

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

26 books of the commonwealth only for the purposes of such expenditures to be made under the direction of the
27 commissioner. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund.
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29 SECTION 2. Section 3 of said Chapter 18A of the General Laws is hereby amended by striking out the
30 section in its entirety and replacing the section as follows:

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

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

45
46 Section 9. There shall be in the department an advisory committee consisting of the commissioner of youth
47 services, the commissioner of welfare, the commissioner of the office for children, the commissioner of mental
48 health, the commissioner of education, the chairman of the parole board, the commissioner of correction, the
49 commissioner of probation, the commissioner of rehabilitation, the chairman of the Massachusetts commission
50 against discrimination, the executive secretary of the Massachusetts Society for the Prevention of Cruelty to
51 Children, and the executive secretary of the Massachusetts Committee on Children and Youth, all of whom shall
52 serve *ex officio*, and nine other persons to be appointed by the commissioner of public safety, with the approval of
53 the governor. Such persons shall have demonstrated professional involvement and expertise in the area of
54 delinquency prevention, rehabilitation, and treatment. Upon the expiration of the term of office of any appointed
55 member, his successor shall be appointed for a term of three years. Any vacancy shall be filled by the commissioner
56 of public safety for the remainder of the unexpired term. The commissioner of public safety shall appoint from the
57 members of said committee a chairman and a vice chairman. The committee may appoint a full time executive
58 secretary. Members of said committee shall serve without compensation, but each member shall be reimbursed by
59 the commonwealth for all reasonable expenses incurred in the performance of his official duties.

60 Said advisory committee shall have the following duties: (a) It shall advise the commissioner on policy,
61 program development and priorities of need in developing a comprehensive program (1) for the treatment,
62 rehabilitation and custody of juvenile offenders and (2) for integration of the juvenile offender into constructive
63 community life. (b) It shall review the annual plan and the proposed annual budget for the department, and shall
64 make recommendations to the commissioner relative thereto. (c) It shall advise on the recruitment policies of the
65 schools in the department. (d) It shall submit an annual report in which it may propose legislation and present
66 material for the education of the public. (e) It shall visit, at its discretion, every institution and facility within the
67 jurisdiction of the department. It shall meet at least four times a year and shall convene special meetings at the call
68 of the chairman of the committee, a majority of the committee, or the commissioner. For the purposes of holding
69 meetings and conducting official business, a majority of the membership shall constitute a quorum. A written record
70 of all meetings of the committee shall be maintained by the executive secretary and a copy filed within fifteen days
71 after each meeting by said secretary with the commissioner of administration and finance.
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