

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Gloria L. Fox

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 ease the transition of ex offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gloria L. Fox	7th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1430 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO EASE THE TRANSITION OF EX OFFENDERS.

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.

2 4200-0300 For the Transitional Employment Service program through the Youth Options
3 Unlimited Center in Boston, a division of EDIC/Boston; provided further, that all funds shall be
4 used for operational and programmatic costs of the Transitional Employment Service program
5 for youth under the supervision of DYS and young adult offenders under the supervision of the
6 Suffolk County House of Corrections for the purpose of providing education and workforce
7 training to troubled youths who may re-offend upon their release into the community

8 \$250,000

9

10 Workforce Training Fund100%

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12 8910-0000 For hiring additional full-time educational staff in county correctional facilities;
13 provided further, that this funding shall not replace any funds previously dedicated for this
14 purpose by the Department of Corrections or county correctional facilities; provided further,
15 that not less than \$200,000 shall be dedicated to the Suffolk County House of Corrections for

16 the General Education Diploma (GED) program through the Boston Re-Entry
17 Initiative.....\$350,000

18

19 Workforce Training Fund 100%

20

21 SECTION 2. Section 172A of chapter 6 of the General Laws, as appearing in the 2006 Official
22 Edition, shall hereby be amended by inserting after the words “provided, however, that if a
23 person shall be found indigent, as defined in section 27a of chapter 261, the board shall not
24 impose a fee”, the following words: -

25 “provided further, that no fee shall be imposed upon an individual incarcerated within a
26 Massachusetts state or county facility who seeks to review his report for accuracy; provided
27 further, such reports shall only be provided to an inmate free-of-charge once every three
28 months, and not more than twice per calendar year.”

29

30 SECTION 3. Section 172 of chapter 6 of the General Laws, as so appearing, is amended by
31 striking paragraphs five and six and inserting in place thereof the following:-

32 “Notwithstanding any other special or general law to the contrary, the following
33 information shall be available on a one-time basis to any person who meets the conditions set
34 forth in clause (c): a summary, which may include conviction data that the board maintains in a
35 standardized public format, including the custody status and placement within the correction
36 system; provided, however, that no information shall be disclosed that identifies family
37 members, friends, medical or psychological history or any other personal information. Under
38 no circumstances shall this section affect the availability of criminal offender records as
39 referenced in section 178D of Chapter 6. Any violation of the provisions for this section shall be
40 subject to the penalties referenced in this section.”

41

42 SECTION 4. Section 172 of chapter 6 of the General Laws, as so appearing, is hereby amended
43 by inserting at the end thereof the following new paragraphs:-

44 “Any agency or individual who requests access to criminal offender record information will be
45 required to participate in a training session offered by the board for the purposes of accurate
46 interpretation and understanding of such criminal offender record information. The board shall
47 work with the executive office of public safety to determine the course content and schedule,

48 but it shall be offered not less than once per month. The attendee at such training session shall
49 be the person or persons charged with making hiring decisions or judging suitability for a post.
50 Said attendee will not be required to attend a training session more than once every five years,
51 provided that said attendee continues in that position for five years consecutively. The board
52 may charge a nominal fee for participation in said training session, not to exceed \$25 per
53 attendee. Under no circumstances shall the information received from the board be available
54 for sale or other financial benefit by any party authorized access.

55

56 Any violation of this section relative to collection, dissemination, sale or use shall carry a
57 penalty of up to a \$1000 or one year in the House of Corrections. The attorney general shall
58 enforce the provisions of this section.”

59

60 SECTION 5. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by
61 inserting after paragraph (l) the following new paragraph:

62 (m) Tax Credit for Employers of Recently Released Inmates. Any employer employing a
63 recently released inmate, as defined herein, shall receive a tax credit in the following amount:

64 (a) \$2500 credit for employing a recently released inmate for at least nine months in a tax year
65 beginning after the passage of this act;

66 (b) a \$5000 credit for employing a recently released inmate for at least two years; or

67 (c) a \$7500 credit for employing a recently released inmate for at least three years.

68

69 For the purposes of this section, "recently released inmate," shall mean a person released from
70 prison within three years of being employed by said corporation.

71

72 SECTION 6. Chapter 63 of the General Laws, as so appearing, is hereby amended by inserting
73 after Section 38T the following section:-

74

75 Section 38U. A corporation shall be allowed a credit, as hereinafter provided, against its excise
76 due under this chapter as follows:

77 (a) a \$2500 credit for employing a recently released inmate for at least nine months in a tax
78 year beginning after the passage of this act;

79 (b) a \$5000 credit for employing a recently released inmate for at least two years;

80 (c) a \$7500 credit for employing a recently released inmate for at least three years.

81

82 For the purposes of this section, "recently released inmate," shall mean a person released from
83 prison within three years of being employed by said corporation.

84

85 SECTION 7. Chapter 127 is amended by adding after section 136 the following new section: -

86

87 Section 136A. Health and discharge planning.

88 Section 1. As used in this section, the following words shall, unless the context clearly requires
89 otherwise, have the following meanings:

90 "Community-based providers", community health centers, health departments, and faith-based
91 organizations that provide long-term physical, mental and emotional health.

92 "Discharge planning", process of providing sufficient medications and arranging for necessary
93 follow-up health services before the inmate's release to the community.

94 Section 2. Discharge planning within the house of corrections shall include: (1) formal linkages
95 between the facility and community-based organizations on behalf of an individual inmate; (2)
96 a list of community providers that shall be provided to the inmate upon discharge; (3) formal
97 discussions with the inmate that emphasize the importance of appropriate health follow-up
98 and aftercare; and (4) specific health appointments and medications that are arranged for the
99 patient at the time of release.

100 Discharge planning shall begin once an inmate has been incarcerated in preparation for his/her
101 release. Correctional staff overseeing reentry programs shall be connected to comprehensive
102 case management services provided by community-based providers in the interest of creating a
103 comprehensive post-release care continuum.

104 Case managers shall begin to work with inmates and discharge planners prior to release and
105 provide an individual assessment in order to determine needed physical and mental health
106 services and programs, including substance abuse or mental health treatment. These

107 assessments shall follow the inmate through his/her term of incarceration and inmates shall be
108 encouraged to maintain the curriculum upon release.

109 Section 3. In order to ensure continuity of care and health services, the department of public
110 health, in conjunction with the Suffolk county house of corrections, shall be directed to
111 implement a pilot study within the Suffolk county house of corrections, which includes features
112 of the Hampden county correctional center, so-called.

113 This pilot shall establish a "Bridge Case Manager" to assist inmates in accessing the range of
114 services from housing and education/training to substance abuse and mental health issues.
115 The "Bridge Case Manager" will also ensure a linkage between the inmate and most
116 appropriate service prior to release. "Bridge Case Managers" shall be trained to provide
117 referrals, crisis intervention and follow up with appropriate health care and social service
118 providers to ensure the successful reintegration of exiting inmates, and shall be certified as
119 such by the department of public health.

120 Essential components of discharge planning within the Suffolk county pilot program shall
121 include:

122 A.) Health care services, including: 1.) scheduling of a primary care appointment at a
123 community health center/hospital in neighborhood to which the inmate may be returning once
124 he/she is released, 2.) provision of an application for a state-insured health insurance card to
125 be given to the inmate upon release, 3.) links with community-based providers, such as
126 substance abuse services, mental health providers, in order that exiting inmates may continue
127 their own care, 4.) arrangement for a sufficient supply of current medications to last until the
128 inmate can be seen by a community health care provider, especially in the case of inmates with
129 chronic illnesses such as heart disease, hypertension, HIV/AIDS, Hepatitis C, and diabetes. A
130 prescription shall be provided when appropriate.

131 (B) Educational training, in conjunction with One-Stop Career Centers

132 (C) Employment and Career counseling, in conjunction with One-Stop Career Centers

133 (D) Transitional housing, in conjunction with the Department of Housing and Urban
134 Development

135 (E) Family Reunification, in conjunction with the department of social services and the
136 department of youth services

137

138 SECTION 8. Section 2 of Chapter 151A of the General Laws, as so appearing, is hereby amended
139 by inserting at the end of the fourth paragraph the following:-

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141 “; and (d) such individual has been an inmate in a Massachusetts or county correctional facility
142 within the last five years and has performed service with that employer for at least one year,
143 but not more than three years, consecutively.”

144

145

146 SECTION 9. Chapter 151B of the General laws is hereby amended by inserting in section 4, after
147 subsection 9A, the following subsection:-

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149 9B. For any employer, employer’s agent, employment agency, educational or training
150 institution or other entity or program doing business in the commonwealth to perform the
151 unlawful practice of using an application form that asks the applicant if he or she has
152 committed a felony or has been convicted of a crime regardless of the length of time passed
153 since such conviction, or otherwise has been arrested or has been accused in the adult criminal,
154 or the juvenile delinquency justice systems, whether by a check box or yes or no question.

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156 SECTION 10. Section 100A of chapter 276 of the General Laws, as so appearing, is hereby
157 amended in its first paragraph by striking, in the second sentence, clauses (1) and (2) and
158 inserting in place thereof the following:-

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160 “(1) that said person, if a first-time offender, had not been found guilty within the
161 commonwealth, for a year after the end of any probation, of any criminal offense punishable by
162 incarceration for one year or more; (2) that said person's court appearance and court
163 disposition records, including termination of court supervision, probation or sentence for any
164 misdemeanor occurred not less than three years prior to said request; (3) that said person's
165 court appearance and court disposition records, including termination of court supervision,
166 probation or sentence for any felony occurred not less than seven years prior to said request;”

167

168 and further amended in said section by striking clause (3) and inserting in place thereof the
169 following:-

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171 “(4) that said person had not been found guilty within the commonwealth in the ten
172 years preceding such request of any criminal offense punishable by incarceration for one year
173 or more”

174

175 and further amending said section by striking the number (4) and inserting in place thereof the
176 number (5), and further amending said section by striking the number (5) and inserting in place
177 thereof the number (6).

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179 SECTION 11. Section 100A of Chapter 276 of the General Laws, as so appearing, is hereby
180 amended by striking the fifth paragraph and inserting in place thereof the following paragraph:-

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182 An application for employment used by an employer shall not inquire, nor shall an employer
183 inquire orally, about criminal offender record information, unless said employer meets the
184 standards for access by the criminal history systems board, as contained in section 172 of
185 chapter 6 of the General Laws or any other section that specifically grants such access.