

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 promoting fair and equitable criminal laws by requiring justice integrity impact statements.

PETITION OF:

NAME:

|DISTRICT/ADDRESS:

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROMOTING FAIR AND EQUITABLE CRIMINAL LAWS BY REQUIRING JUSTICE INTEGRITY IMPACT STATEMENTS.

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

1 A New Chapter 275A of the General Laws, as appearing in the 2002 Official Edition, is hereby
2 inserted as follows:

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4 1. A justice integrity impact statement shall be attached to any bill filed in the General
5 Court which proposes a change in any law creating a crime, significantly changes an existing crime
6 or the penalty for an existing crime, or changes existing sentencing, parole, probation or police
7 enforcement procedures, or affects use of criminal records in civil contexts. The statement shall
8 include information concerning the estimated number of criminal cases per year that the legislation
9 will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the
10 legislation on racial minorities, the impact of the legislation upon existing correction institutions,
11 community-based correctional facilities and services, and jails, and the likelihood that the legislation
12 may exacerbate existing racial disparities. Any bill impacting use of criminal records in civil
13 contexts shall include information concerning the estimated number of persons to be impacted and
14 the likelihood that the legislation may exacerbate racial disparities. The justice integrity impact
15 statement shall be factual and shall, if possible, provide a reasonable estimate of both the immediate
16 effect and the long-range impact upon prison capacity and on racial minorities.

17 2. The Committee wherein the proposed bill is assigned shall review the impact
18 statement, which shall also be evaluated by the General Court prior to debate on the floor of either
19 the House of Representatives or the Senate. Upon review, the Committee shall certify that the bill
20 has no discernable adverse impact. Each impact statement attached to a bill shall also be filed with
21 the Ways and Means Committee of both chambers of the General Court. On an annual basis, justice
22 integrity impact statements shall be published in a widely circulated media outlet.

23 3. An eleven-member justice integrity task force shall develop a protocol for analyzing
24 the impact statement set forth in section 1. The protocol shall include, but not be limited to, a
25 determination of the causes of racial and ethnic disparities, if any, and whether those disparities are
26 explained by sound law enforcement or public policies, if they are at least partially attributable to
27 discrimination, insensitivity or unconscious bias; recommendations on ways to reduce unjustified
28 racial disparities; and a proposal of an alternative plan to effectuate the goal of the bill under
29 consideration. The taskforce shall comprise Secretary of the Executive Office of Public Safety and
30 Security; Attorney General; Chief Counsel for the Committee for Public Counsel Services; Chair of
31 the Association of District Attorneys; Chairman of the Massachusetts Sentencing Commission;
32 Commissioner of Probation; Chairman of the Parole Board; Commissioner of Department of
33 Corrections; Colonel of the State Police, or their designees; and three citizens appointed by the
34 Governor, with expertise on racial disparities.

35 4. Each application for a grant from a state agency or any contractor doing business with
36 the state shall include an impact statement that contains the following information:

37 a) Any disproportionate or unique impact of proposed policies or programs on
38 persons of racial minority backgrounds in the state;

39 b) A rationale for the existence of the program or policy having an impact on persons
40 of racial minority background; and

41 c) Evidence of consultation of representatives of persons of racial minority
42 backgrounds in cases where a policy or program has an identifiable impact on racial minorities.

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44 5. The directives of the preceding section shall be carried out to the extent consistent
45 with federal law.

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47 6. To the extent that racial data necessary to effectuate the requirements of Sections 1
48 and 4 are unavailable, each agency in the criminal justice system, state agency to which a grant

49 application has been made and any other entity whose data will aid the discharge of the duties
50 imposed in Sections 1 and 4, shall collect and promptly make such data available. In providing racial
51 data, the name and other personal identifying characteristics of individuals shall be kept confidential.

52 7. This Act will take effect July 1, 2010, and shall also apply to grants for which
53 applications are due beginning January 1, 2011.