

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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:

Resolve establishing the Massachusetts Correction Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	11th Middlesex
Patricia D. Jehlen	

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2333 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

RESOLVE ESTABLISHING THE MASSACHUSETTS CORRECTION COMMISSION.

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. Notwithstanding any general or special law to the contrary, the Governor shall
2 convene the Massachusetts Correction Commission to be known hereinafter as “the
3 commission.” The commission shall be assigned to the executive office of public safety for
4 administrative and fiscal accountability purposes, but it shall otherwise function independently of
5 the control and direction of the executive office of public safety. The commission shall consist
6 of the secretary of public safety or a designee; the commissioner of probation or a designee; the
7 chairman of the parole board or a designee; the commissioner of mental health or a designee; the
8 commissioner of mental retardation or a designee; the commissioner of public health or a
9 designee, *ex officio*s. The president of the senate shall appoint 2 members; the speaker house of
10 representatives shall appoint 2 members. The governor shall appoint 6 members from the
11 following categories: a person to chair the commission who has experience in state government;
12 a district attorney; a public defender; a sheriff; an expert on prisoner re-entry; and a corrections
13 policy expert. The following organizations shall each make one appointment to the commission:
14 the Women’s Bar Association shall appoint an attorney with experience in women’s prison
15 issues; the Massachusetts Association of Health Plans shall appoint a health care expert; the
16 National Alliance for the Mentally Ill shall make one appointment; the Massachusetts Taxpayers
17 Foundation shall make one appointment; and Massachusetts Correctional Legal Services shall
18 make one appointment.

19 The terms of the members appointed shall be three years, except that of the first appointed
20 members seven shall be appointed for a term of two years, seven shall be appointed to a term of
21 three years, the chairperson shall be appointed for a term of three years. In the first year of

22 appointments, the governor, in consultation with the chairperson, shall determine which
23 members shall serve which terms.

24
25 No member of the commission shall be appointed to serve more than two consecutive three-year
26 terms. Upon the expiration of the term of an appointed member, the successor shall be appointed
27 in a like manner for three years. A member *ex officio* shall not be entitled to vote on any matter
28 before the committee.

29
30 Members of the commission shall receive no compensation but each member shall be reimbursed
31 by the commonwealth for necessary expenses incurred in the performance of his or her official
32 duties. The commission shall adopt bylaws to govern its own proceedings. Said bylaws shall be
33 submitted for approval by the house and senate committees on post-audit and oversight, the joint
34 committee on public safety and homeland security and the joint committee on the judiciary.

35
36 SECTION 2. The commission shall have the following duties:

37 (a) It shall study the medical services, including mental health and substance abuse treatment
38 services, and educational, vocational, employment and rehabilitation programs available to
39 prisoners;

40 (b) It shall report annually to the house and senate committees on ways and means and post-audit
41 and oversight, the joint committee on public safety and homeland security and the joint
42 committee on the judiciary on the allocation of resources, specifically fixed and operating costs
43 of any new and preexisting facilities, assets, or personnel utilized by the department of
44 correction. It shall make recommendations regarding how to allocate such resources in the most
45 efficient and useful manner for both the taxpayer and the offender. It shall recommend
46 innovative approaches to resolving present and future issues in criminal justice to promote public
47 safety by, but not limited to, modernizing existing facilities, developing alternative sentencing
48 methods to reduce prison overcrowding, reduce recidivism, and improve rehabilitation.

49 (c) It shall routinely monitor the financial status of the department of correction to assure that
50 the department is managing revenue, state, federal and grant monies used for the operation of the
51 department, and any applicable bond proceeds responsibly and in accordance with law and
52 established policy;

53 (d) Annually, each correctional institution of the commonwealth shall be visited by at least one
54 member of the commission. Every member of the commission shall visit at least one
55 correctional institution of the commonwealth annually;

56 (e) It shall report on the general state of correctional facilities, the administration of correctional
57 policy and practices, the living conditions of inmates therein, the general state of working
58 conditions for department of correction employees and, where appropriate, the impact of
59 department of correction policies and inmate living conditions upon rates of recidivism and over-
60 classification;

61 (f) It shall provide public education on corrections and criminal justice issues;

62 (g) It may review any existing or proposed regulations promulgated or under consideration by
63 the department of correction;

64 (h) It shall issue public reports annually to the department of correction, the clerks of the house
65 of representatives and the senate, the house and senate committees on ways and means and post-
66 audit and oversight and the Joint Committee on the Judiciary;

- 67 (i) It shall advocate on behalf of any recommended reform that should be adopted by the
68 commonwealth;
- 69 (j) It shall advise the commissioner of the department of correction on policy development and
70 priorities for department of correction facilities as well as on the department's compliance with
71 legislative and judicial mandates;
- 72 (k) It shall meet at least 6 times per year upon the call of the chairperson, and other meetings
73 may be called by the chairperson upon giving at least 7 days' notice to all members and the
74 public. Emergency meetings may be held without any notice upon the request of a majority of
75 all voting members;
- 76 (l) All meetings of the commission shall be open to the public and announced through public
77 notice at least 7 days prior to the meeting date. All inmates housed within department of
78 correction facilities shall be notified of said meetings at least 7 days prior to the meeting date.
79 The commission shall accept written testimony in the event any individual is unable to attend the
80 meeting.
- 81 (m) A majority of the voting membership of the commission shall constitute a quorum at any
82 meeting of the commission. An action of the commission is not binding unless the action is
83 taken pursuant to an affirmative vote of a majority of voting members present, but not fewer than
84 8 voting members of the commission must be present, and the vote must be recorded in the
85 minutes of the meeting;
- 86 (n) The chairperson shall cause to be made a complete record of all the proceedings of the
87 commission, which record shall be open for public inspection;
- 88 (o) It shall hold semi-annual public hearings. Notice of said public hearings shall be issued at
89 least one month prior to the date of the hearing and shall include information regarding the time
90 and place of the hearing. Notice of said hearing shall also be posted in a public location in all
91 department of correction facilities and distributed to all inmates of said facilities.
92 Accommodations shall be made for inmates in the department of correction facilities to testify
93 before the commission at said public hearings utilizing the most current technology. Written
94 testimony shall be accepted by the commission as well;
- 95 (p) It shall appoint an executive director or full time equivalent. The executive director or full
96 time equivalent shall have the authority to hire support staff as necessary.

97 SECTION 3. Pursuant to section 63 of chapter 3 of the General Laws, the house and senate
98 committees on post-audit and oversight of the general court in cooperation with the joint
99 committee on public safety and homeland security and the joint committee on the judiciary shall
100 have authority to review regulations proposed or adopted by the department of correction. The
101 house and senate Committees on post-audit and oversight may hold public hearings concerning a
102 proposed or existing regulation and may submit to the department of correction comments
103 concerning the merit and appropriateness of the regulations to be promulgated and an opinion
104 whether the regulations are authorized by, and consistent with, these chapters. The department
105 of correction shall respond in writing within 10 days to the house and senate committees on post-
106 audit and oversight written questions relevant to the committee's review of a proposed or existing
107 regulation. The department of correction shall provide to the house and senate committees on
108 post-audit and oversight, without charge, copies of all public records in the department of
109 correction's custody relating to the regulation or action in question within 10 days of a request by
110 the house and senate committees on post-audit and oversight. The house and senate committees
111 on post-audit and oversight may issue reports with proposed changes to a proposed or existing

112 regulation and shall transmit this report to the department of correction. If the department of
113 correction does not adopt the proposed changes contained in the house and senate committees on
114 post-audit and oversight's reports, the department of correction shall notify the committee in
115 writing of the reasons why it did not adopt the changes either at the time it adopts a proposed
116 regulation or within 21 days of receiving the committee's report on an existing regulation.

117 SECTION 4. There is hereby appropriated \$200,000 from the executive office of public safety
118 for the establishment, operation, and management of said commission.