

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Eugene L. O'Flaherty**

*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 electronic monitoring for pre trial detainees.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Eugene L. O'Flaherty

2nd Suffolk

Sheriff James DiPaola

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1663 OF .]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand and Nine**

**AN ACT RELATIVE TO ELECTRONIC MONITORING FOR PRE TRIAL DETAINEES.**

*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. Chapter 276 of the General Laws is hereby amended by adding the following Section:

2 **Sec. 88 Pretrial Diversion Program**

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4 The Sheriff of any county and in the case of women who are committed as pretrial detainees to the Massachusetts  
5 Correctional Institution at Framingham, the commissioner of correction, subject to rules and regulations established  
6 in accordance with the provisions of this section, may permit a detainee, committed to a jail awaiting disposition of  
7 any criminal matter, except those being held for offenses listed in this section, or may permit a person committed to  
8 the jail for contempt of court, to be classified to a pretrial diversion program operated by the Sheriff's Office in the  
9 county where the court that committed the detainee is sitting.

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11 The Sheriff may extend the limits of the place of confinement of a detainee for the purpose of participation in this  
12 program and shall establish a classification system to determine the suitability of detainees who may be potential  
13 participants in this program. A person permitted to be away from the jail due to participation in this program may be  
14 accompanied by an employee of the Sheriff's Office in the discretion of the Sheriff or designee of the Sheriff.

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16 For the duration of their participation in the program, the detainee shall be deemed to be in custody as a pretrial  
17 detainee for the purpose of receiving credit pursuant to Chapter 127 Section 129B and Chapter 299 Section 33A  
18 toward any sentence they may receive, and may be charged with escape pursuant to Chapter 268 Section 16 should  
19 they leave the place they are classified to pursuant to their participation in the program without authorization and  
20 with no intent to return or should they escape from custody while they are being transported pursuant to their  
21 participation in the program. Additionally for the duration of their participation in this program only, the detainee  
22 may receive additional deductions from any sentence that may be imposed in the case they were committed on, for  
23 participation in work, education, or treatment programs designated by the Sheriff pursuant to Chapter 127 Section  
24 129D.

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26 No detainee who is charged with murder, any offense that carries the possibility of a life sentence, a violation of  
27 section thirteen, 14, 15, 15A, 15B, 16, 17, 18, 18A, 19, 20, 21, 24B, 25, or section 26 of chapter 265, or section 17,

28 34, or 35, of chapter two hundred and seventy-two, or for an attempt to commit any crime referred to in said sections  
29 shall be eligible to participate in the program. No sex offender, or sexually dangerous person as defined in section 1  
30 of chapter 123A, or any person who is charged with committing a sexual offense as defined in said section 1, or any  
31 person who violates section 24B of chapter 265 shall be eligible to participate in this program.

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