

Key Bills for Comprehensive Criminal Justice Reform, 2017-18

The following bills indicate the range of issues that would need to be part of truly comprehensive reform. This list is far from exhaustive, and nearly all successful bills evolve during the legislative process. In addition, what happens in the criminal justice system is affected by many factors that are not determined by legislation – such as how prosecutors use their discretion – or even part of the criminal justice system *per se*, such as the availability of treatment for substance use disorders, the effects of poverty on children's health and development, and the growing scarcity of good jobs for less educated people. Passing legislation that address the following issues would, though, make a real difference.

This list was created by the Mass Incarceration Working Group of the First Parish Unitarian Universalist of Arlington. Our mission is to help build a movement to end mass incarceration in Massachusetts. We maintain an email list of more than 800 people, to whom we send 1-3 emails a month with information about action opportunities related to ending mass incarceration and creating better alternatives. To learn more or join this email list, email us at end-mass-incarceration@firstparish.info. (April 2017)

- (1) Collect Data on Traffic and Pedestrian Stops and Prohibit Racial and Other Profiling.** Only good data will enable police, prosecutors, and the public to identify how much, and precisely how, racial biases affect the processes and outcomes of the criminal justice system. H.2506, filed by Rep. Byron Rushing with 22 cosponsors ✧ S.789, filed by Sen. Sonia Chang-Diaz with 18 cosponsors
- (2) Improve the Collection, Accuracy, and Public Availability of Arrest Data.** H.953, filed by Rep. Byron Rushing with 36 cosponsors ✧ S.1681, filed by Sen. Will Brownsberger with 12 cosponsors
- (3) Establish a Center of Excellence in Community Policing and Behavioral Health.** H.2401, filed by Rep. Liz Malia and Rep. Byron Rushing with 22 cosponsors ✧ S.1090, filed by Sen. Ken Donnelly with 14 cosponsors
- (4) Encourage Diversion to Treatment for People with Substance Use Disorders.** H.2181, filed by Rep. Liz Malia with 58 cosponsors
- (5) Promote Restorative Justice.** H.793, filed by Rep. Sean Garballey with 55 cosponsors ✧ S.847 filed by Sen. James Eldridge with 18 cosponsors
- (6) Raise the Age of Juvenile Court Jurisdiction from 18 to 21.** Young adults' brains keep developing to the age of 25, and criminal misbehavior peaks around age 20. Massachusetts's juvenile courts have dramatically decreased detentions. Increasing their jurisdiction would be one of the administratively simplest and financially most cost-effective ways to decrease incarceration. H.3037, filed by Rep. Evandro Carvalho with 33 cosponsors ✧ S.816, filed by Sen. Cynthia Creem with 8 cosponsors.
- (7) Reform Pretrial Process.** Hold people before trial, when according to the Constitution they are presumed innocent, only if there is evidence that they pose a flight risk or a risk to the community, not just for financial reasons. H.3120, filed by Rep. Dave Rogers and Rep. Jay Livingstone with 30 cosponsors ✧ S.834, filed by Sen. Ken Donnelly with 34 cosponsors
- (8) Pass the Justice Reinvestment Act.** Supported by the Jobs Not Jails Coalition: End mandatory minimums for non-violent drug offenses. Raise the felony threshold (one of the lowest in the nation) from \$250 to \$1,500. Reduce or end probation and parole fees. Decrease the time until CORI records can be sealed. Use savings from these measures to increase education, job training, job creation, and job placement for prisoners and former prisoners. H.2308, filed by Rep. Mary Keefe with 63 cosponsors ✧ S.791, filed by Sen. Sonia Chang-Diaz with 42 cosponsors

(9) End Mandatory Minimums for Drug Sentences. H.741, filed by Rep. Evandro Carvalho with 49 cosponsors ✧ S.819, filed by Sen. Cynthia Creem with 33 cosponsors

(10) Pass the Juvenile Justice Omnibus Bill. Raise the lower age of juvenile jurisdiction from 7 to 12. Decriminalize offenses that for adults have only civil penalties. Create a task force to evaluate juvenile justice policies. Create a parent-child testimonial privilege, so that parents cannot be required to testify against their child. Codify the policies banning indiscriminate shackling and involuntary solitary confinement for juveniles. Allow courts to consider age as a mitigating factor for young adults and require prisons and houses of correction to provide age-appropriate programming for young adults under age 26. Improve sealing of juvenile records and allow expungement of certain records. House bill only: Require agencies to collect and report better data. Senate bill only: Raise the upper age of juvenile jurisdiction for lesser offenses from 18 to 21. Decriminalize student non-violent and verbal misbehavior in schools and sexual activities between adolescents who are close in age. Set requirements on agreements between school districts and police departments. Codify the right to counsel at parole hearings for individuals convicted of murder prior to age 18 and serving life sentences. H.3079, filed by Rep. Kay Khan with 26 cosponsors ✧ S.947, filed by Sen. Karen Spilka with 21 cosponsors

(11) Reduce the Criminalization of Poverty. Key provisions include: Waive court fees and fines if they would cause hardship to a person or their family or dependents, rather than jailing impoverished people. Eliminate some fees and decrease others. Reduce the use of driver's license suspension as a penalty for offenses unrelated to driving. Raise the felony threshold from \$250 to \$1,500. Reduce instances where minor or long-past offenses might prevent a person from obtaining jobs or housing. H.2359, filed by Rep. Chynah Tyler with 31 cosponsors ✧ S.777, filed by Sen. Will Brownsberger with 41 cosponsors

(12) Restrict Fine Time Sentences. Waive fines or fees that would cause substantial financial hardship to an individual or their family. H.3077, filed by Rep. Mary Keefe with 28 cosponsors ✧ S.755, filed by Sen. Michael Barrett with 22 cosponsors. See also related bill S.2050, filed by Gov. Charles Baker

(13) Ensure Appropriate Use of Segregation (Solitary Confinement). H.3071, filed by Rep. Russell Holmes with 14 cosponsors ✧ S.1306, filed by Sen. Jamie Eldridge with 19 cosponsors

(14) Provide for Medical Release of Terminally Ill and Incapacitated Prisoners. H.794 filed by Rep. Sean Garballey with 16 cosponsors ✧ S.874, filed by Sen. Pat Jehlen with 20 cosponsors

(15) Implement the Recommendations of the Council of State Governments' Massachusetts Criminal Justice Review. The goal of this bill is to reduce recidivism. Its provisions include: Increase incentives for incarcerated people to participate in and finish programs by earning "good time" to reduce their sentences. Give some people sentenced under mandatory minimum laws access to work release and parole before the full mandatory minimum time is served. Make parole the default. Create a new system of compliance credits that can reduce the time someone is on parole or post-incarceration probation. Authorize courts to order individuals who are awaiting trial to participate in specific programs as a condition of their release on bail. H.74, filed by Gov. Charles Baker

(16) Reform Parole. Key provisions include: Increase the number of people on the Parole Board to nine, so cases will be heard more quickly, and include at least three members with expertise in psychiatry, psychology, social work, or the treatment of substance use disorders. A parole permit shall be granted at a prisoner's first date of parole eligibility unless there is clear and convincing evidence that the individual will not live at liberty without violating the law. Parole guidelines and data shall be publicly available. H.3121, filed by Rep. Dave Rogers with 15 cosponsors ✧ S.779, filed by Sen. Will Brownsberger with 7 cosponsors

(17) Allow the Expungement of Juvenile Records and Records Created by Error or Fraud. H.2309, filed by Rep. Kay Khan with 58 cosponsors ✧ S.944, filed by Sen. Karen Spilka with 31 cosponsors