

Decriminalize minor offenses

Minor offenses for juveniles – civil infractions and first offense misdemeanors with penalties under 6 months – cannot be the subject of delinquency findings.

Disruptive behavior in school (disturbing assembly or disorderly conduct) cannot be the subject of delinquency findings (but more serious behavior can still be prosecuted).

Repeal offense of being the presence of heroin.

Expand scope of good Samaritan protections to youth alcohol and to probation violations.

Specify that use of prescribed drugs and medical marijuana, shall not constitute a probation violation.

Divert minor offenses away from prosecution/incarceration

Create mechanism for judicial diversion of juveniles for less serious offenses.

Improve and expand mechanism for district court diversion of adults

Eliminate defunct requirement for probation certification of diversion programs

Eliminate age restrictions on diversion

Exclude serious offenses from diversion

Assure that victims are heard in diversion decisions

Create legal/administrative framework to expand use of restorative justice programs for diversion of both juveniles and adults

Require judges to make written findings before imposing a sentence of incarceration of primary caretakers of children

Make drug diversion more workable by making it possible for a wider range of professionals to make findings of dependence.

Preserve powers of District Attorneys to divert cases

Reform Bail to reduce unnecessary incarceration

Codify main holding of the Brangan case – judge should consider financial capability of defendant and set bail only as high as needed to assure defendant's return.

Require that if judge needs to set unaffordable bail to assure return, the judge make written findings that the Commonwealth's interest in assuring return outweighs the harm of detention to the individual and their family.

Allow judges to use community corrections facilities for pre-trial release (consistent with CSG report).

Create pre-trial services unit to remind defendants of upcoming court dates using modern messaging approaches.

Create commission on bail to monitor change and suggest further improvements

Repeal/limit mandatory minimums for non-opiate, non-weight retail drug offenses

Limit applicability of school zone law to cases involving guns or minors

Eliminate mandatory for second offense class B (move fentanyl to class A)

Eliminate mandatory for first offense cocaine/PCP/meth

Eliminate mandatory for second offense class cocaine/PCP/meth

Eliminate mandatory for second offense class C

Eliminate mandatory for second offense class D

Eliminate mandatory for sales of drug paraphernalia

Strengthen minimum mandatorys for opiate trafficking

Make all federally scheduled opioids class A drugs in Massachusetts (if not otherwise scheduled by Massachusetts)

Include fentanyl, carfentanil and emerging synthetic opiates in trafficking weight ladder – mixtures containing these substances and weighing over 18g, 36g, 100g, or 200g will draw the same minimum mandatory penalties currently applicable to mixtures containing heroin.

Modify fentanyl trafficking statute so that it applies to mixtures weighing over 10 grams that contain fentanyl. Add minimum mandatory of 3 years, effectively adding a special bottom rung applicable only to fentanyl to the trafficking weight ladder. 10 grams gets 3 years under this section, 18 grams gets 3.5 years (from the main opioid ladder).

Add a special minimum mandatory applicable to mixtures of any weight containing carfentanil in any quantity but with the proviso that the commonwealth must prove knowledge that the mixture contained carfentanil.

Strengthen Protections for Public Safety

Strengthen penalties for intimidation of witnesses

Broaden eligibility for witness protection programs

Strengthen penalties for solicitation of murder and other penalties

Allow district court prosecution of conspiracy, solicitation and intimidation

Strengthen penalties for corporate manslaughter

Strengthen penalties for high repetition of OUI offenses

Broaden definition of inhalants that may result in OUI prosecution

Strengthen penalties for reckless homicide by motor vehicle

Create new crime of assault and battery on police officer causing serious injury

Create new crime of unlawful possession of credit card scanner

Expand crime of providing false information to police officer

Disclose findings of not guilty by reason of insanity in the same way as convictions for general employers and landlords.

Strengthen DNA collection procedures from serious offenders

Mandate creation of police training for bias-reduction and de-escalation

Reduce solitary confinement

Repeal archaic solitary confinement concept ("isolation") and define more humane restrictive housing concept.

Require that prisoners confined to restrictive housing shall, under regulations to be developed, have "access to vocational, educational and rehabilitative programs to the maximum extent possible consistent with the safety and security of the unit".

Require that prisoners confined to restrictive housing receive regular reviews to see if they are ready to return to general prison population and have an opportunity to participate in those reviews.

Assure that correctional officers staffing restrictive housing facilities have appropriate training

Protect LGBTQ prisoners from arbitrary use of restrictive housing.

Assure that those segregated from other inmates for their own safety are not placed in restrictive housing, but in conditions comparable to general population .

Create a balanced oversight board with access to data, prison facilities and prisoners to report on conditions in restrictive housing and progress in reducing restrictive housing. The oversight committee will have no authority over individual prisoner confinement decisions.

Generally improve prison conditions

Assure that transgender prisoners are housed with prisoners of the same gender identity unless it would endanger the prisoner or other prisoners.

Require that all prisoners without high school diplomas have access to education programming.

Require that all prisoners are assessed for substance use disorders (but do not require medically assisted treatment)

Preserve inmate access to regular in-person visitation – video visits permitted, but not in lieu of in person visits.

Expressly authorize creation of special prison units for emerging adults (ages 18 to 24

Create commission to study LGBTQ prison health

Create task force to study correctional officer suicides

Study prison long distance phone costs

Release prisoners who are permanently incapacitated and pose no safety risk

Prisoners who are so debilitated that they do not present a public safety risk may petition their superintendent or sheriff for medical release.

The sheriff or superintendent shall make a recommendation to the commissioner of correction.

The commissioner of correction will determine whether the inmate is incapacitated and the medical release plan is appropriate.

The parole board will supervise the released prisoners and re-incarcerate them if they are recovering contrary to expectations

Make it easier for people to get back on their feet

Reduce fees imposed on defendants

No parole fee for the first year after release from prison

No probation fee for the first six months after release from prison

Make more fees waivable and standardize waiver language across fees

Streamline waiver process for probation fees – no written finding required

Improve procedural protections for people facing incarceration for non-payment of fines and Increase rate at which fines are worked off from \$30 per day to \$90 per day.

Assure that when state criminal records are sealed or expunged, national fingerprint records are also sealed or expunged

Require that offense based tracking number (OBTN) associated with a set of fingerprints taken at arrest is recorded in court files (not expand scope of fingerprinting).

Assure that when cases are disposed of, the disposition is transmitted to the national system (using the OBTN)

Similarly assure that sealing and expungement orders are transmitted for parallel action in the national system.

Make criminal records more private

Assure that cases dismissed before arraignment do not appear on criminal records.

Assure that youthful offender cases tried in juvenile court are treated as juvenile instead of adult CORI

Accelerate sealing availability from 10 years to 7 years for felonies and from 5 years to 3 years for misdemeanors.

Fix the glitch that causes resisting arrest charges to be non-sealable.

Allow expungement of cases involving errors of justice.

Allow expungement of non-serious cases up to age 21 (both juveniles and young adults).

Exclude juvenile arrests from public police log and expunge young adult police logs if the court case is expunged.

Raise threshold that defines felony larceny from \$250 to \$1200, so making more cases misdemeanors that can be quickly sealed or expunged (preserve ability of officers to arrest defendants in cases above \$250)

Require that licensing authorities disclose in advance offenses that may be disqualifying

Confirm that sealed records need not be mentioned in applications for housing or professional licensure.

Prevent employers from inquiring about sealed or expunged cases

Reduce entanglements with the registry of motor vehicles

No longer suspend licenses upon court defaults

No longer suspend licenses upon conviction of tagging or vandalism

Assure that parents will not lose their license for non-payment of child support if the warning notice is going to a bad address (do not limit otherwise limit ability of the DOR to suspend licenses).

Take better care of juveniles and young adults

Raise minimum age of juvenile court jurisdiction to 12

Do not raise age of criminal adulthood to 19, but

Expressly authorize creation of young adult units within Houses of Correction (18-24)

Expressly authorize designation of youth probation officers

Create task force to “to examine and study the treatment and impact of individuals ages 18 to 24 in the court system and correctional system of the commonwealth.”

Minimize harsh detention of minors (mostly codifying existing good practice)

Assure swift parental notification and appropriate handling upon arrest

Limit shackling in court room settings

Prohibit housing of juveniles in contact with adults

Limit the use of room confinement as a disciplinary measure for juveniles

Protect the parent-child relationship by disqualifying parents and children from being called to testify against each other in court (this does not apply to domestic situations)

and does not prevent parents from asking the police for assistance with their children if necessary)

Create a juvenile justice policy and data board to oversee and improve treatment of juveniles.

Create task force on trauma-informed juvenile care

Provide access to counsel at parole hearings for juveniles sentenced to life

See decriminalization section above for additional measures affecting juveniles

Improve transparency of the criminal justice system

Mandate National Incident Based Reporting System for arrests, including racial data

Juvenile justice policy and data board is to drive consolidation of information about juvenile contacts with the system.

Require the Secretary of Public Safety to lead improvement of adult criminal justice data systems, creates adult criminal justice systems board

Better protect women in the criminal justice system

Mandate better tracking and retention of rape kits

Allow vacatur of crimes committed by victims of human trafficking

Create commission on justice involved women

Mentioned above: Requirement to make written findings before incarcerating primary caretakers

Reduce and remedy errors of justice

Empower stronger oversight of forensic labs and techniques

Increase access to compensation for wrongful convictions