

**An Act Reforming the Administrative Procedures
Relative to Criminal Offender Record Information
and Pre-and-Post Trial Supervised Release
(Senate Bill, No. 2220 as amended)**

Summary and Overview As Engrossed in the Senate (11/18/09)

CORI Reform

Overview: Increased access, improved accuracy, and faster response time through a Web-based system. Reduce the look-back period from 15 years to 10 for felonies, 10 years to 5 for misdemeanors. Liability protection for employers who use the state system. Includes so-called “ban the box” provision – preventing employers from asking about criminal records as part of the initial application, but allowing inquiries later and carving out an exception for employers who are statutorily prohibited from hiring certain ex-offenders. Maintains current access for law enforcement and those employers currently granted access in statute.

Parole Eligibility for Persons Serving Drug Mandatory Minimums

Overview: These sections would allow persons sentenced to a mandatory minimum sentence for drug related crimes to be eligible for parole upon serving 2/3ds of their sentence if such sentence was to state prison, or after serving ½ of the sentence if the sentence is to a house of corrections. As a condition of such parole, the parole board may impose a condition of enhanced supervision which *may* include the wearing of a global position satellite tracking device. Additionally, this section would allow such individuals to participate in education, training and employment programs; engage in employment pursuant to work release programs or other service programs.

Post-Release Supervision

Overview: Provide for mandatory post-release supervision for up to 2 years for *state prison* inmates who would otherwise be released directly from prison to the street. These sections would be prospective and therefore would not have any additional current cost.

Sheriff’s Day Reporting and Pretrial Diversion Programs

Overview: Provides Sheriffs with statutory authority to establish a day reporting program in which appropriate inmates may be classified as eligible for constructive confinement (electronic monitoring). Would allow a similar program for persons facing pretrial detention. Would not be available for sex offenders and other listed offenses. Would require victim notification.

Sex Offender Issues

Overview:

- *Civil Commitment Process*: Amends current law to authorize the District Attorneys to petition for a jury trial in civil commitment process involving sexually dangerous persons.
- *Sealing of Records*: Treats sex offenses different from other offenses with regard to time period in which records may be sealed. Specifically, provides that sex offenses are ineligible for sealing for so long as the sex offender is required to register - but in any event, not less than 15 years following the disposition of the offense.
- *Homeless Sex Offenders*: Reduces the time in which homeless sex offenders must verify registration data and appear at the local police department from every 45 days to every 30 days. Also, requires homeless sex offenders to wear a global positioning system device, or any comparable device, administered by the commissioner of probation.
- *Registration Fee*: Increases the registration fee imposed on sex offenders from \$75 to \$100. Establishes a payment plan for offenders who are unable to pay full fee due to financial hardship.
- *Prohibition from Operating Ice Cream Truck*: Makes it a crime for a convicted sex offender to work as an ice cream truck vendor. Requires the issuance of a permit to operate an ice cream vending truck and prohibits the issuance of such a permit to an individual convicted of a sex offense.

Illegal Possession of Firearms

Overview: Includes certain illegal gun possession charges to the list of crimes for which a prosecutor may move for pre-trial detention based on dangerousness.

Intimidation of Witnesses by Juvenile Offenders

Overview: Includes witness intimidation as a crime in which juvenile offenders may be prosecuted as adults and indicted in Superior Court.

Bail Review Process

Overview: Requires the administrative office of the trial court to conduct a study examining the bail review process including, but not limited to, personal recognizance, challenges to the amount of bail for an accused and the provision of notice to a petitioner relative to future court appearances. The report shall be filed with the joint committee on the judiciary not later than July 1, 2010.

Assault on Health Care Providers

Overview: Makes it a crime to commit an assault, or assault and battery on “health care providers” as defined in section 1 of chapter 111. Current law only applies to assaults on an EMT or ambulance operators.

Substance Abuse

Overview:

- *Resource Guide on Substance Abuse:* Requires the executive office of public safety, in conjunction with the department of public health, the trial court, the department of probation, and the office of community correction, to promulgate regulations establishing a resource guide for law enforcement personnel, sheriffs, and judges on substance abuse treatment programs and options.
- *Substance Abuse Education:* Requires the executive office of public safety and security and the department of correction, in conjunction with the department of public health, to adopt regulations and create a substance abuse education program in state prisons and houses of corrections.
- *Study of Certificate of Recovery:* Requires the department of probation, in conjunction with the criminal history systems board to conduct a study on rehabilitation, including an examination of enabling a person convicted of a crime to petition the superior court of the trial court for a certificate of rehabilitation, or a certificate of recovery and rehabilitation if the charges were a consequence of substance abuse.
- *Study Post Release Substance Abuse Treatment:* Requires the parole board to conduct a study to determine the benefit and cost of establishing a substance abuse treatment program to be included as a requirement for individuals during a period of post-release supervision required by chapter 127A of the General Laws.
- *Study of Diversion Program:* Requires the department of corrections, in consultation with the department of public health to conduct a study on the establishment of jail diversion programs for nonviolent low level offenders with substance use disorders.