



## UPDATES & CONTEXT: CRIMINAL LEGAL SYSTEM REFORMS

**PROGRESSIVE MASSACHUSETTS** Legislative Agenda 2017-18

on the website: [progressivemass.com/2018\\_03-cjrconferencebill](http://progressivemass.com/2018_03-cjrconferencebill)

The **Progressive Mass Issues Committee** works closely with many coalitions, collaborating with the advocacy orgs that are on the front lines and in-the-weeds on the multitude of issues we care about as progressives. Progressive Mass's work in coalitions (such as the **Jobs Not Jails Coalition**) is a critical part of how we plug our PM-members, and community at large, into the priorities, actions, updates and information, coming from the experts and advocates. And it is how we in turn bring the energy, values, perspectives of our grassroots organizer/activist-members from across Massachusetts. The PMIC relies on our members and chapters, too, to inform this engagement. Progressive Mass's priorities are derived from our members, and are coordinated and executed, in many ways, via the PMIC. We invite you to connect with their work and share yours: send a message to [issues@progressivemass.com](mailto:issues@progressivemass.com) to find out the ways you best can plug in!

### Criminal Justice Reform Is One Step Closer to a Reality

UPDATE FROM PMIC MEMBER, CAROLINE BAYS. [progressivemass.com/2018\\_03-cjrconferencebill](http://progressivemass.com/2018_03-cjrconferencebill)

#### Organizing, Continued Advocacy, Well-Timed Noise

Hard work and advocacy paid off with the release of the criminal justice conference committee's new CJR bill. This comprehensive bill addresses almost every issue affecting our criminal justice system. When we began this process in 2016, we could not have imagined the setbacks and the hard work that lay ahead. But through the near destruction of the bill when the Council on State Governments process collapsed, the bill--like a phoenix from the ashes--was revitalized, and the legislation emerged even stronger and more sweeping than advocates expected.

Below is a synopsis of the proposed bill. I included the main ask from advocates for reform and what was in the final bill.

**Mandatory Minimums** - ASK: *Advocates for reform proposed repealing of all mandatory minimums for nonviolent offenses.*

**RESULT:** The bill eliminates most mandatory minimums for retail drug selling and drug paraphernalia and limits mandatory minimums in school zones to cases involving guns or minors. However, it leaves in place mandatory minimums for Class A drugs (like heroin) and expands the definition to include opioids like fentanyl and carfentanil.

**Fees and Fines** - ASK: *Advocates for reform proposed repealing all parole and probation fees.*

**RESULT:** The bill reduces fees. No parole fee is imposed for one year after release from prison and no probation fee is imposed for six months after release. The bill also improves some procedural protections and increases the rate at which fines are worked off from \$30 to \$90 per day.

**CORI reform** - ASK: *Advocates for reform proposed making criminal records more private by sealing records after 7 years for felonies and 3 years for misdemeanors and record expungement for minors.*

**RESULT:** Records will be sealed after 7 years for felonies and 3 years for misdemeanors. In addition the bill authorizes the expungement of cases that resulted in prosecuting innocent adults as well as non-serious cases involving young people up to the age of 21.

**Felony Threshold** - ASK: *Advocates for reform proposed raising the felony larceny threshold to \$1,500.*

**RESULT:** The felony threshold was raised to \$1,200.

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**Juvenile Justice** - ASK: *Advocates for reform proposed raising the age of criminal court jurisdiction to 12 and criminal majority to 21.*

**RESULT:** The younger age limit was raised to 12 but the age at which youth can be prosecuted as adults remains 18. However, the bill authorizes the creation of a special housing unit for young people aged 18 to 24; prohibits housing juveniles with adults and placing juveniles in solitary confinement; and limits shackling juveniles. In addition, parents will no longer be forced to testify against their children.

**Bail Reform** - ASK: *Advocates for reform proposed codifying the Brangan case which calls for judges to use bail as a mechanism to ensure the defendant's return to court instead of as a mechanism for pre-trial imprisonments of defendants.*

**RESULT:** The Brangan decision is codified, and the bill creates a pre-trial mechanism to remind defendants of their upcoming court dates. The judge must make a written finding explaining why it is in the Commonwealth's best interest to impose unaffordable bail amounts.

**Diversion** - ASK: *Advocates for reform proposed diverting low-level offenses and drug users to treatment and restorative justice options, with special consideration for juveniles and for primary caretakers.*

**RESULT:** There are multiple mechanisms for judicial diversion including diversion for juveniles for less serious offenses as well as an expansion of restorative justice programs for juveniles and adults. In addition, primary caretakers of children will be given special consideration when sentencing, and minor offenses, such as disruptive behavior at school assemblies, have been decriminalized.

**Compassionate Release** - ASK: *Advocates for reform proposed that permanently incapacitated prisoners who pose no safety risk should be released from prison.*

**RESULT:** The bill establishes mechanisms to release prisoners deemed terminally ill or incapacitated.

**Solitary Confinement** - ASK: *Advocates for reform proposed that the practice of solitary confinement be severely curtailed--limited to six months or ended completely.*

**RESULT:** The bill calls for restrictive housing rather than solitary, giving inmates access to many of the same programs and educational opportunities available in general population. Regular reviews of inmates must be performed to determine if the inmate can safely be returned to general population, the first one after six months and then every 90 days, thereafter. The bill also creates a balanced oversight board which will have access to the prison facilities and inmates and can report on conditions. Lastly, the bill prohibits arbitrary use of restrictive housing for LGBTQ inmates.

### Miscellaneous items

In addition to the aforementioned provisions, the conference bill...

- Guarantees transgender prisoners are housed with their gender identity
- Gives prisoners who have not graduated access to education
- Preserves rights for regular in-person visitation
- Creates a task force to study suicide rate of correctional officers
- Calls for data collection on just about every aspect of the prison system
- Allows women who are victims of human trafficking to have their convictions vacated