

Massachusetts Coalition for Juvenile Justice Reform

Status of Juvenile Justice Bills as of April 2022

Bills Pending in Judiciary (June 30th Deadline)

Action Steps

Ask your State Representative and Senator to reach out to the Judiciary Committee asking for a favorable report of the bill. Representatives can still co-sponsor pending bills. .

An Act Improving Juvenile Justice Data Collection (Rep. Miranda H.1795)

Status

Under consideration by Judiciary Committee with June 30th deadline. (House bill only. Senate bill reported out favorably by Public Safety Committee)

An Act to Promote Public Safety and Better Outcomes for Young Adults (Reps. O'Day and Khan H.1826 / Sen. Crighton S.920)

Status

Under consideration by Judiciary Committee with a June 30th deadline.

Bills Pending in Senate Ways & Means Committee

Action Steps

- (1) Contact your State Senator with an update that this legislation was reported out favorably and referred to the Senate Ways and Means Committee and ask them to contact the committee with their support of this bill;
- (2) Submit a letter of support or testimony to the Senate Ways and Means committee.

**An Act Relative to Expungement of Juvenile and Criminal Records
(Rep. Decker H.1531 / Sen. Creem S.980) – Re-Drafted as S.2837**

Status

Judiciary Committee re-drafted and reported out favorably: new bill number S.2837

Analysis

- ✓ Removes Youthful Offender juvenile court records from public inspection, to be consistent with the privacy of delinquency case records
- ✗ Excludes the definition of the judicial “best interest of justice” standard to approve expungement petitions
- ✓ Removes two-case limit on cases resulting in juvenile adjudications, non-adjudications, and adult non-convictions. Keeps the two-case limit on adult convictions (per S.980)
- ✓ Reduces waiting period for expungement of juvenile records of a felony offense to three years
- ✓ Reduces list of offenses with a lifetime ban on eligibility to offenses resulting in serious bodily injury or death
- ✗ Expands list of sex-based offenses from offenses ineligible for sealing (i.e. those with an active sex offender registration requirement) to include sex-based offenses regardless of registration requirement.
- ✗ Expands list of ineligible offenses to include domestic violence and violations of restraining and harassment orders
- ✓ Prohibits dissemination of finger print juvenile arrests to the FBI, unless it is to submit a sealing or expungement order
- ✓ Facilitates evaluation of the sealing and expungement law by requiring annual reporting by Probation on petitions, outcomes and reasons for denials

An Act Improving Juvenile Justice Data Collection (Sen. Creem S.1558)

Status

Public Safety Committee reported out favorably (as filed).

An Act Protecting Youth During Custodial Interrogations (Sen. Creem S.90)

Status	Children and Families Committee reported out favorably (as filed).
Analysis	<ul style="list-style-type: none"> ✓ Requires that youth interrogated by law enforcement (when they are held in custody) for any felony are represented by an attorney and that the interrogation and reading of Miranda rights are videotaped and can be reviewed during the court case.

**An Act to Promote the Education Success of Court Involved Children (Sen. Jehlen S.344)
Re-Drafted as S.2786**

Status	Education Committee Re-drafted and reported favorably: New bill number S.2786. Identical to re-drafted House bill reported separately.
Analysis	<ul style="list-style-type: none"> ✓ The language that would limit expulsions for "assault" to when a student "willfully assaults, with intent and means to harm." ✗ Eliminates language that would define a "dangerous weapon" and limit weapons expulsions. ✗ Eliminates language that would treat marijuana similar to alcohol and tobacco (which can result in a suspension) instead of similar to illegal drugs (which can result in an expulsion). ✗ Eliminates language that would limit suspensions to when a student is arraigned or indicted (rather than at the filing of a complaint). ✓ Keeps language that would limit suspensions and expulsions of students with an open court case to when the student poses "a specific, documentable concern about the infliction of serious bodily injury upon another person while in school." ✓ Keeps language requiring a principal's hearing for suspension/expulsion for students with open court cases. ✓ Keeps language requiring notice in both English and the family's home language, and the school must document reasonable efforts to involve the parent in the hearing if it is to go forward without the parent. ✓ Keeps language that would require schools use alternatives prior to suspension has been kept, stating schools "shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, except in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury upon another person while in school. These remedies may include, but not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving.

**An Act Relative to Judicial supervision to promote child well-being
(Rep. Fluker Oakley H.1569 / Sen. Creem S.984) – Re-Drafted as S.2836**

Status	Judiciary Committee re-drafted and reported out favorably: new bill number S.2836
Analysis	<ul style="list-style-type: none"> ✓ Expands judicial diversion to certain low-level offenses that are currently ineligible due to being on the list of offenses that are ineligible for conversion to civil infractions ✓ Expands judicial diversion for offenses that are currently due to the restriction on offenses with a greater than 5-year sentence for adults, by allowing diversion for those offenses with an adult concurrent jurisdiction in district court, i.e., offenses that range in severity allowing for both county jail (district court jurisdiction) and state prison (superior court jurisdiction) sentences.

An Act to prevent the imposition of mandatory minimum sentences based on juvenile adjudications (Rep. Miranda H.1794 / Sen. Eldridge S.1022) – Re-Drafted as S.2670

Status	Judiciary Committee re-drafted and reported out favorably: new bill number S.2670
Analysis	<ul style="list-style-type: none"> ✓ Removes mandatory minimum sentences for juvenile adjudications on possession of a weapon charge. These are currently the only offenses with mandatory minimum sentences in the juvenile system. ✓ Excludes juvenile adjudications from counting towards the “three strikes” that trigger enhanced mandatory minimum sentences in adult weapons possession cases. ✓ Allows resentencing for individuals currently serving enhanced adult mandatory minimum sentences if a juvenile adjudication was used to enhance that sentence.

**An Act updating bail procedures for justice-involved youth
(Rep. Dykema H.1557 / Sen. Boncore S.923) – Reported Out as S.923**

Status	Judiciary Committee re-drafted and reported out favorably. The language is also being pursued as a budget amendment to the FY2023 budget.
Analysis	<ul style="list-style-type: none"> ✓ Eliminates the requirement that youth pay an \$40 administrative bail fee as a condition of being released on bail ✓ Gives the responsibility of bail determinations to a neutral party—the Bail Magistrate. ✓ Allows the bail process to be conducted virtually and for monies to be collected through virtual or mobile payment options.

Bills Pending in House Ways & Means Committee

Action Steps

- (1) Contact your State Representative with an update that this legislation was reported out favorably and referred to the House Ways and Means Committee and ask them to contact the committee with their support of this bill;
- (2) Submit a letter of support or testimony to the House Ways and Means committee.

**An Act to Promote the Education Success of Court Involved Children (Rep. Meschino H.664)
Re-Drafted as H.4646**

Status

Education Committee re-drafted and reported favorably: New bill number H.4646. Identical to re-drafted Senate bill reported separately.

Analysis

- ✓ The language that would limit expulsions for “assault” to when a student “willfully assaults, with intent and means to harm.”
- ✗ Eliminates language that would define a “dangerous weapon” and limit weapons expulsions.
- ✗ Eliminates language that would treat marijuana similar to alcohol and tobacco (which can result in a suspension) instead of similar to illegal drugs (which can result in an expulsion).
- ✗ Eliminates language that would limit suspensions to when a student is arraigned or indicted (rather than at the filing of a complaint).
- ✓ Keeps language that would limit suspensions and expulsions of students with an open court case to when the student poses “a specific, documentable concern about the infliction of serious bodily injury upon another person while in school.”
- ✓ Keeps language requiring a principal’s hearing for suspension/expulsion for students with open court cases.
- ✓ Keeps language requiring notice in both English and the family’s home language, and the school must document reasonable efforts to involve the parent in the hearing if it is to go forward without the parent.
- ✓ Keeps language that would require schools use alternatives prior to suspension has been kept, stating schools “shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, except in cases where the student’s continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury upon another person while in school. These remedies may include, but not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving.

Bills Sent to Study

Action Steps	The committee indicates that they do not have the votes to either support or oppose the bill and is tabling further consideration of this bill for the remainder of the session. The bill is unlikely to advance further this session, and may be filed January 2023 to continue building the support.
An Act Relative to Safer Schools (Rep. Khan H.648 / Sen. Chandler S.286)	
Action Steps	House and Senate budget campaign to create the grant program to support schools and districts transitioning to police-free school safety. Amendment #1321 in the House budget. Senate budget TBD.
An Act Relative to the Location of School Resource Officers (Rep. Sabadosa H.694)	
Action Steps	Decision in the fall of 2022 to re-file in the 2023-2024 legislation session.
An Act Clarifying Consent Laws for Adolescents (Rep. Lewis H.1726 / Sen Rausch S.1126)	
Action Steps	Decision in the fall of 2022 to re-file in the 2023-2024 legislation session.

For more information, please contact:

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