

Summary of Conference Committee Final Report
S.2220 and H.4712
(July 30, 2010)

CORI Reform

- Increased access, improved accuracy, and faster response time through a Web-based system.
- Reduces the look-back period from 15 years to 10 for felonies, and from 10 years to 5 for misdemeanors.
- Provides liability protection for employers who rely on 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 on in the interview process.
- Carves out an exception from the ban-the-box provision for employers – primarily in the financial-service industry -- who are statutorily or regulatorily prohibited from hiring certain ex-offenders.
- Maintains current level of access for law enforcement officials to all CORI, including sealed records, while also maintaining the same level of access for those employers currently granted access in statute.
- Homicides will be permanently ineligible for sealing.
- Level 2 and level 3 sex offenders *will never be eligible* to have their crimes sealed. Level 1 (low-risk) sex offenders would be eligible to seal in 15 years or so long as they still have a duty to register, whichever is longer (mirroring current law).

Sentencing Reform

- Addresses mandatory minimum sentences for certain drug offenses in which the offender is sentenced to the House of Corrections. Specifically, such individuals convicted of, or serving, a House of Correction sentence would be eligible to be considered for parole after serving one-half of their sentence *if no aggravating factors are found*.
- If any of the following factors are found, the individual would not be eligible for parole:

(i) The crime involved the use of or threat of violence or possession of a weapon;

(ii) The defendant was directing the activities of others.

(iii) The offense involved minors – persons under 18.

- As a condition of such parole, the parole board may impose a requirement of enhanced supervision which *may* include the wearing of a global position satellite tracking device.
- Does not apply parole eligibility to individuals sentenced to State Prison.
- Would allow both House of Correction and State Prison drug offenders – if approved by the warden at a State Prison or the sheriff at a House of Correction -- to participate in education, training and employment programs.

Sheriff's Pretrial Diversion Programs

- Provides Sheriffs with statutory authority to establish a pre-trial diversion program in which appropriate inmates may be classified as eligible for electronic monitoring programs.
- Would not be available for sex offenders and other listed offenses.
- Would require victim notification.
- Expands definition of escape to include tampering with electronic monitoring devices.

Sex Offender Issues

- *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.
- *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.
 - Requires homeless sex offenders to wear a global positioning system device, or any comparable device, administered by the commissioner of probation.
- *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 – Dangerousness Hearings

- Includes certain illegal gun possession charges to the list of crimes for which a prosecutor may move for pre-trial detention based on dangerousness.
- Includes illegal possession of firearms, illegal possession of a machine gun or sawed off shot gun, and illegal possession of large capacity weapon – not applicable to possession of large capacity feeding device without possession of large capacity weapon.

Bail Review Process

- 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.

Substance Abuse

- *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.
- *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.

Victim Compensation

- Expands and updates the use of victim compensation funds to provide greater relief to crime victims, as proposed by Attorney General Coakley.
- Increases caps on compensation in several categories.
- Extends compensation for reasonable mental health counseling obtained as a result of the crime.

Disruption of Court Proceedings

- Expands crime of disruption of court proceedings to both civil and criminal courts.

Teen Dating Violence

- Establishes, subject to appropriation, school-based programs to promote healthy relationships and awareness of teen dating and domestic violence issues.