



## Current Massachusetts Legislation Concerning Incarcerated and Criminalized Women

**YES!**

**S770 Primary Caretakers.** (Sen. William Brownsberger) An Act providing community-based sentencing alternatives for primary caretakers of dependent children who have been convicted of non-violent offenses. **Purpose:** This bill would allow parents and primary caretakers who are convicted of a non-violent offense to have the judge consider that parental status before imposing a sentence. The sentencing judge would make written findings about a person's primary caretaker status and the availability of appropriate alternatives before imposing a sentence. Alternatives to incarceration include: drug and alcohol treatment; vocational training and job placement; parenting classes; and affordable and safe housing assistance.

**SB 834 An Act Reforming the Pretrial Process.** (Senator Kenneth Donnelly and HD\* 3075 Rep. David Rogers). This is a Bill on pretrial/bail reform. The same bill was introduced in the last session and did not pass. This is a good first step however there are problems within the legislation. The first significant problem is that pretrial services will become a part of probation. In other states that have passed bail reform, pretrial services is a free standing agency/department. It is concerning that the legislature is considering placing pretrial detainees, who are presumed innocent, in the same program as convicted individuals. Secondly, the way the bill is written, lower bails could be set but would not be eliminated as they have in other states and cities (NJ, KY and Washington, DC). There is a case now in front of the Supreme Judicial Court which *could* eliminate money bail in MA. If this gets a favorable decision, the reform of bail would be under the auspices of the court rather than the legislature.

**S1359 Anti-Shackling** (Sen. Karen Spilka and HD2346 Rep. Kay Khan) An Act to ensure compliance with the anti-shackling law for pregnant incarcerated women. In Massachusetts prisons and jails have violated a 2014 law limiting the use of restraints. Violations include handcuffing and use of other restraints on women in labor, restraining women to the bed in the hospital, and using waist chains and leg irons on women in postpartum recovery. In addition, the law requires the use of vehicles with seatbelts for pregnant and postpartum women, but some women are either driven in vehicles without this safeguard or forced to miss court dates because no one makes sure an appropriate vehicle is

available. A bill to address these problems made it through three committees in the last session but never got a vote.

**HD 3475 CORI Reform** (Rep. Liz Malia) Reduces times to seal records of people with criminal records for felonies from 10 years to 5 years and for misdemeanors from 7 years to 3 years.

**SB777 An Act to reduce the criminalization of poverty** (Sen. William Brownsberger and HD2929 Rep. Chynah Tyler) Eliminates or reduces numerous fees, such as parole supervision, and ensures indigent residents are not jailed or given unreasonable fees simply because they struggle to pay court-related fine.

**SB 791 Justice Reinvestment Act (JRA)** (Senator Sonia Chang-Diaz and HD 2714 Rep. Mary Keefe.) An omnibus bill addresses repeal of long mandatory minimum drug sentences, raising threshold for a felony for theft from \$250 to \$1500, CORI reform to reduce sealing times from 10 and 5 years to 7 and 3 years, ending probation and parole fees, support for in-prison job training and reentry programs for job training and job placement.

**NO!**

**SB 1693** (Senator Kenneth Donnelly) **Resolve establishing a special commission to identify a suitable location for a justice complex in Southern Middlesex County.** "The special commission would identify and evaluate potential sites in Southern Middlesex County suitable for the placement of a jail to house women being held pretrial detainees and sentenced women to a house of correction for 2½ years or less. The commission shall document the needs of the communities in the vicinity of the sites and of the individuals in those communities, and make recommendations relative to the most efficient and effective investment of public resources to meet all of those needs."

We strongly oppose any new building of jails for women. Our position is that no new jails should be built until comprehensive bail reform is passed and implemented and a full range of alternatives to incarceration are established and fully funded. Finding a place to build a jail is the first step to building a jail. Call Donnelly and your legislator and ask for comprehensive bail reform and meaningful fully funded alternatives to incarceration before new jails are to be built.

**Where to find your MA legislator:** <https://malegislature.gov/Search/FindMyLegislator>. **Find your senator and representative. Call or write her/him and let them know of your support or opposition to these bills.**

\*HD –House Docket #'s will change to House Bill (HB) numbers in the coming weeks.

**This flier was written by The Real Cost of Prisons Project ([www.realcostofprisons.org](http://www.realcostofprisons.org)). The RCPP is a member of the Massachusetts Chapter of The National Council for Incarcerated and Formerly Incarcerated Women and Girls: [www.thecouncil.us](http://www.thecouncil.us)**

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