



Summary of S. 2583

FINAL MASSACHUSETTS SENTENCING REFORM BILL PASSES

PAROLE ELIGIBILITY FOR COUNTY INMATES ONLY

On July 30, 2010 the conference committee working on a crime bill released its final bill, S.2583. On July 31, the state Senate and the House of Representatives passed the bill. Governor Deval Patrick is expected to sign the bill into law within the next 10 days. The new law will not take effect for another 90 days.

Much of the bill is about CORI (criminal records) reform. In fact, the title of the bill is “An Act reforming the administrative procedures relative to criminal offender record information record.” It also includes some – but not all – of the sentencing reforms that FAMM has been working for.

The good news. Drug offenders who are serving mandatory minimum sentences at county Houses of Correction will be eligible for parole after serving one-half of their sentences, unless one of these three factors apply:

- the person used violence, or the threat of violence, or possessed a gun or other weapon during the drug offense; or “induced” (caused) someone else to do so while committing the drug offense; or
- the person “engaged in a course of conduct whereby he directed the activities of another” who committed a drug felony; or
- the person sold drugs to minors or used minors to sell drugs.

The bill applies to drug offenders who were convicted of distribution of Class A, Class B or Class C substances, trafficking, and school zone violations. The new law will not guarantee that a county prisoner will be granted parole; instead, the Parole Board will make that decision. This reform will apply to drug offenders currently incarcerated as well as those who are sentenced in the future.

In addition, the bill contains language that would allow both state and county prisoners some increased access to “education, training or employment programs.” This is not the same as the work release eligibility we hoped for (see “bad news” section). We are not yet sure what this section will allow. We will provide details as we learn more.

The bad news. Unfortunately, the parole eligibility section only applies to county prisoners; the bill left out drug offenders who are serving mandatory minimum sentence in state (Department of Correction) prisons. It also left out work release eligibility for either state or county drug offenders.

The future of sentencing reform in Massachusetts. Although the bill did not contain important reforms that FAMM supports, it is an excellent first step in the right direction. This is the first time that the Massachusetts legislature has loosened harsh drug sentencing laws since they were passed in the 1980's. FAMM will continue its work to expand parole eligibility to state prisoners, allow greater access to work release, reform the school zone law and – eventually – to repeal mandatory minimum sentencing laws altogether.

CORI reform. Here are some of the more important sections of the final CORI reforms:

- For employers, a job applicant's record of felony convictions would be sealed after 10 years (it's now 15 years), while misdemeanor convictions would be sealed after 5 years (currently it's 10 years).
- “Ban the box” – Job application forms cannot ask whether a person has a criminal record. However, that question can be asked during an interview, giving ex-offenders the chance to make it farther along in the hiring process and to explain themselves in person.
- Certain convictions, such as for murder and Level 2 or Level 3 sex offenses, would never be sealed. Level 1 sex offenses could be sealed after 15 years.

Unfortunately, FAMM cannot provide copies of the bill as it is 59 pages long. It is available on the Legislature's website at <http://www.mass.gov/legis/bills/senate/186/st02pdf/st02583.pdf>.

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