

## EXPLANATION OF BILLS WITH EXPECTED OUTCOMES

### **1. Repealing Mandatory Minimums Sentences for Drug Offenses**

**(S.819 Creem, H.741Carvalho)**

Required, automatic, **minimum** prison terms for drug offenses based on weight of drugs. The minimal time has to be served regardless of one's criminal history, or judges' discretion to give less time, or an alternative sentence.

#### **Effect if new laws are passed**

- Eliminates fixed number of years
- Restores judges' discretion to consider circumstances
- Reduces DA's power to coerce plea bargains
- Reduces cost of keeping people incarcerated for long periods of time
- Allows reduction of sentence based on "good time" served; allows those sentenced to receive rehabilitation services
- Increases public safety
- Reduces prison and jail overpopulation especially among people of color and poor people

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### **2. Pretrial and Bail Reform (S.834 Donnelly, H.3120 Rogers)**

Bail decisions were intended to increase the likelihood that a person will return to court. However, people who are not a flight risk, or danger to the community are too often held in jail simply because they cannot pay the bail.

#### **Effect if new laws are passed**

- Develop and use a validated risk-assessment tool designed to predict a defendant's probability of returning to court.
- People who are not a danger to the community can safely remain in the community while awaiting trial, reducing jail overpopulation
- cost is reduced by keeping people out of jail
- Reduces the disproportionate impact on communities of color and poor people
- innocent people will not be compelled to plead guilty to a lesser crime

### **3. Reduce/Eliminate Fees and Fines**

**(S.755 Barrett, H.3077 Keefe), Omnibus bills: (S.777 Brownsberger, H.2359 Tyler)**

Monthly probation and parole fees, daily GPS monitoring fees, court appointed counsel fees, default to appear in court fees, victim/witness assessment fees, registry fees

#### **Effect if new laws are passed**

- Eliminates the requirement to have to pay for the monthly visits to parole or probation officer
- Reduces high recidivism rates (people are sent back to jail for inability to pay fees)
- Conforms to 1983 Supreme Court ruling (*Bearden v. Georgia*) that people can't be sent to jail simply for being too poor to pay fines and fees.

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### **4. Shortening Length of Time Spent in Solitary Confinement**

**(S.1296 Creem, H2248 Balsler) Data Collection: (S.1286 Chang-Diaz, H.3092 Markey)**

23 hours of lock up in a cell the size of a parking space. MA is one of a handful of states with “segregation”, or, solitary confinement sentences of up to 10 years per offense. The International standard determined by the UN considers solitary confinement of more than 15 days torture.

#### **Effect if new laws are passed**

- Inhumane (we passed laws for chicken and farm animals to be treated better)
- Reduces psychological damage with no rehabilitation
- reduces high recidivism rates
- Reduces solitary confinement for those who are mentally ill, pregnant, blind, deaf, or are in solitary because they are LGBT people
- Solitary confinement remains an option for those who create an unacceptable risk for other inmates and guards
- Solitary confinement for more than 90 days requires a review by a three person board with procedural safeguard