

The Commonwealth of Massachusetts

EXECUTIVE OFFICE OF HUMAN SERVICES
DEPARTMENT OF CORRECTION
LEVERETT SALTONSTALL BUILDING, GOVERNMENT CENTER
100 CAMBRIDGE STREET, BOSTON, 02202, NOVEMBER 7, 1990.

The Honorable Michael J. Connolly, *Secretary of State*
State House, Boston, Massachusetts 02133

Dear Sir:

In accordance with the provisions of Section 33 of Chapter 30 of the General Laws, as amended, recommendations for legislation are submitted herewith, together with drafts of bills embodying the legislation recommended, the form thereof has been approved by the counsel for the House of Representatives.

Sincerely,

GEORGE A. VOSE, JR.,
Commissioner

*DEPARTMENT OF CORRECTION
LEGISLATIVE RECOMMENDATIONS FOR 1991*

1. AUTHORIZING THE PLACEMENT OF CERTAIN TRANSPORTATION OFFICERS WITHIN THE DEPARTMENT OF CORRECTION IN RETIREMENT GROUP 4.

This act corrects a long standing inequity by placing certain transportation officers within their proper retirement classification.

2. AN ACT PROVIDING FOR THE INDEMNIFICATION OF EMPLOYEES OF THE DEPARTMENT OF CORRECTION FOR DAMAGES CAUSED BY DOGS USED IN PERFORMANCE OF OFFICIAL DUTIES.

In the event of any damages caused by a dog being cared for by an employee of the Department of Correction in connection with his official duties the Commonwealth shall indemnify him for such expenses or damages.

3. AN ACT CONCERNING THE CLASSIFICATION OF PRISONERS.

This act authorizes classification boards to recommend a prisoner's classification provided said board is comprised of correction officers, prison camp officers, or correctional counselors; with a full board consisting of at least three members.

4. AN ACT PERTAINING TO CIVIL COMMITMENT FOR AID IN SENTENCING EVALUATIONS.

This act clarifies the legal status of patients hospitalized at Bridgewater and D.M.H. facilities for an evaluation to aid the court in sentencing after a guilty finding. Currently, patients could remain hospitalized without being sentenced for long periods of time; this act would require sentencing after the evaluation and prior to commitment to a hospital.

5. AN ACT AUTHORIZING THE MEDICAL DIRECTOR OF BRIDGEWATER STATE HOSPITAL TO SIGN AND FILE PETITIONS DIRECTLY WITH THE DISTRICT COURT.

This act authorizes the Medical Director of Bridgewater State Hospital to file petitions for commitment of mentally ill county and state inmates.

6. AN ACT CONCERNING ESCAPE FROM PENAL INSTITUTIONS.

This act combines all existing statutes on escape, and increase the penalties thereof.

7. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF MANAGERIAL EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

This act expands the retirement rights of managerial employees.

8. AN ACT PERTAINING TO BRIDGEWATER STATE HOSPITAL RECORDS.

Under the current provisions of the hospital records statute (G.L. c. 111 s.70) and the civil commitment statute (G.L. c. 123 s. 36) the Commissioner of Mental Health is authorized to disclose or to permit disclosure of patients' medical records when in the best interest of the patient.

This act amends G.L. c. 111 s. 70 and G.L. c. 123 s. 36 thereby affording the same authority to the medical director of the Bridgewater State Hospital.

9. AN ACT TO CLARIFY THE JURISDICTION OF THE DISTRICT COURT TO ADJUDICATE PETITIONS FOR OBSERVATION.

This act authorizes district courts to adjudicate treatment cases for patients at Bridgewater State Hospital or at D.M.H. facilities, whether they are under observational or committed status. Currently, the law is unclear with regard to the district courts' jurisdiction over observation patients; this act would serve to specifically extend the courts' jurisdiction over these patients and to authorize treatment during observation periods.

10. AN ACT EXEMPTING CERTAIN MANAGEMENT POSITIONS IN THE DEPARTMENT OF CORRECTION FROM CIVIL SERVICE.

This act exempts the position of Associate Deputy Superintendent and Assistant Deputy Superintendent at each state correctional facility from Civil Service Law.

11. AN ACT AUTHORIZING THE DISCLOSURE OF CERTAIN DEPARTMENT OF REVENUE TAX RETURN INFORMATION TO THE COMMISSIONER OF CORRECTION FOR USE IN LOCATING ESCAPED PRISONERS.

This act provides Department of Correction, specifically the Fugitive Apprehension Unit, another tool in their efforts to recapture escaped inmates.

12. AN ACT RELATIVE TO THE IMPOSITION AND EXECUTION OF CRIMINAL SENTENCES.

This act adds a new section to chapter 279 governing judgement and execution of sentences to clearly enable Massachusetts judges to sentence an inmate who is serving a sentence in another jurisdiction to concurrent time in Massachusetts. Federal judges and the judges of various states have clear authority to impose a sentence concurrent with that of another jurisdiction. Currently Massachusetts has no statute authorizing or prohibiting such sentences.

13. AN ACT RELATIVE TO THE THRESHOLD PROVISIONS FOR INDEFINITE SENTENCES.

This act raises the threshold provisions for indefinite sentences to Framingham and Concord, where the period of incarceration is not set by the sentencing judge, from \$100 to \$250 in accordance with the 1987 changes in the statute establishing the crime of larceny (G.L. c.266, sec. 30).

14. AN ACT RELATIVE TO CONSECUTIVE SENTENCES.

This act modifies the language of c. 279, sec. 28 which provides for forthwith sentences for inmates serving Concord sentences. The most recent amendment of section 28 was signed December 8, 1987. That amendment re-inserted the "discharge at expiration" language which

had been the subject of the opinion in *Dale v. Commissioner of Correction*, 17 Mass. App. 247 (1983), and which had been previously removed by the 1955 amendment. However, the 1987 amendment, in addition to properly re-inserting the "discharge at expiration" language, also inserted illogical language directing that a prisoner serving a Concord sentence, upon receipt of a forthwith sentence to Cedar Junction, be "removed to the reception center" at Concord. The removal would presumably be for purposes of classification but this is unnecessary for an inmate who received such a sentence because he was returned to DSU rather than the reception center.

15. AN ACT RELATIVE TO STATUTORY GOOD TIME.

This act modifies the way we calculate statutory good time by basing such credits on periods of 30 days. Arguably, this is required by the current statutory scheme wherein a month is defined as a period of 30 days "when used in a statute providing for punishment by imprisonment" (G.L. c. 4, sec. 7, clause 19). The question then becomes whether the statute providing for statutory good time is within the scope of the definition. The impact of the proposed change would be to change the procedure of calculating statutory time and marginally increase the credit to inmates since there are more than 360 days in each year.

16. AN ACT RELATIVE TO THE PRIVITIZATION OF CORRECTIONAL INDUSTRIES.

This petition proposes amendment to the General Laws allowing the Commissioner of Correction to contract with certain private entities for the labor of inmates. The petition also amends the General Laws to meet certain requirements for certification pursuant to the Federal Private Sector/Prison Industry Enhancement Certification Program.

17. AN ACT RELATIVE TO THE CRIMINAL SANCTION IMPOSED UPON THIRD TIME CONVICTION DRINKING DRIVERS.

The act resolves a sentencing ambiguity which exists in the drinking driver statute.

18. AN ACT RELATIVE TO STATE OWNED LAND AND TRESPASS THEREON.

The act broadens the scope of the statute which makes it unlawful to trespass upon state owned land to include all correctional institutions.

19. AN ACT RELATIVE TO FRIVOLOUS LAWSUITS.

The act discourages the filing of frivolous lawsuits by the inmate population.

20. AN ACT RELATIVE TO ALCOHOLICS AND SUBSTANCE ABUSERS.

The act revises the so-called civil commitment and voluntary admission statutes for alcoholics and drug dependents.

21. AN ACT PROVIDING THAT THE COMMONWEALTH OF MASSACHUSETTS MAY ENTER INTO A COMPACT WITH ANY OF THE STATES TO PROVIDE FOR THE CONTROL, DEVELOPMENT, AND EXECUTION OF PROGRAMS OF COOPERATION FOR THE CONFINEMENT, TREATMENT AND REHABILITATION OF OFFENDERS.

This act authorizes the Commonwealth to enter into an interstate correctional compact.

22. AN ACT RELATIVE TO ADMISSION PROCEDURE AT BRIDGEWATER STATE HOSPITAL.

This act authorizes the State Hospital at Bridgewater to promulgate admissions criteria.

23. AN ACT RELATIVE TO PREVAILING WAGES.

This act exempts inmates employed by correctional industries from the prevailing wage law.



The first part of the chapter discusses the importance of...

It is essential to understand the underlying principles...

The next section covers the various methods used to...

These methods are applied to solve a wide range of...

The results of these calculations are presented in...

The following table shows the data for the first...

It is clear from the data that there is a significant...

The overall trend of the data is consistent with...

The final part of the chapter summarizes the key...

Key findings from the study are as follows:

1. The first finding is that...

2. The second finding is that...

3. The third finding is that...