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By Mr. Barrett, a petition (accompanied by bill, Senate, No. 699) of Michael J. Barrett for legislation to change the operation and administration of the probation department. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Two.

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AN ACT FURTHER REGULATING THE PROBATION DEPARTMENT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 83 of Chapter 276 of the General Laws,  
2 as appearing in the 1988 Official Edition, is hereby amended by  
3 striking out the first two sentences of the first paragraph and  
4 inserting in place thereof the following sentences: —

5 There shall be a Department of Probation under the Executive  
6 Office of Human Services. The Commissioner of Probation shall  
7 appoint the chief probation officer of each court of the  
8 commonwealth. The chief probation officer shall appoint all  
9 probation officers in his or her office in accordance with personnel  
10 standards established by the commissioner of probation. The chief  
11 probation officer shall also, subject to appropriation, appoint  
12 such other personnel as necessary to carry out the functions of  
13 his or her office. The chief probation officer shall be responsible  
14 for the preparation of an annual budget submitted to the  
15 commissioner of probation.

1 SECTION 2. Section 98 of said chapter 276, as so appearing  
2 in the 1988 Official Edition, is hereby amended by striking out  
3 the first paragraph and inserting in place thereof the following  
4 paragraph: —

5 There shall be a Commissioner of Probation who shall have  
6 executive control and supervision of the Massachusetts Probation  
7 Department. He or she shall be appointed by the governor for

8 a term of six years from among persons who have served as a chief  
9 probation officer for five years and shall devote his or her full  
10 time during business hours to the duties of his office. The  
11 Commissioner of Probation may appoint an administrative  
12 assistant. Said administrative assistant shall perform such duties  
13 as the Commissioner may from time to time defines.

14 The Commissioner of Probation shall submit to the Governor,  
15 the Office of the Chief Administrative Justice, the Joint  
16 Legislative Committee on Judiciary, and the Joint Legislative  
17 Committee on Criminal Justice an annual report on the activities  
18 of the Probation Department and the several probation offices.  
19 Said report shall include, but not be limited to, the following  
20 information: the number of individuals under the supervision of  
21 the Probation Department and each of the probation offices; the  
22 number of individuals placed under the supervision of the  
23 Probation Department and each of the several probation offices  
24 by a court in the previous twelve months; the nature of the offenses  
25 of said individuals; the conditions of probation of the defendants;  
26 the number of individuals who have been found to be drug and  
27 alcohol dependent; the number of individuals who violated the  
28 conditions of their probation; and the number of probation  
29 warrants served. The Commission of Probation, in consultation  
30 with the several Chief Probation Officers, shall establish  
31 procedures for the accurate collection and compilation of such  
32 information.

1 SECTION 3. Section 99 of said chapter 276, as so appearing,  
2 is hereby amended by inserting after the first paragraph the  
3 following paragraph: —

4 The commissioner shall serve as the bargaining agent with any  
5 probation union for the purpose of collective bargaining. Said  
6 commissioner, in consultation with the several chief probation  
7 officers, shall develop and submit an annual budget for the  
8 Probation Department.

1 SECTION 4. Nothing in this act shall affect the status of any  
2 probation officer as defined in section eighty-three of chapter two  
3 hundred and seventy-six of the General Laws who hold such  
4 position of the effective date of this act, including the  
5 commissioner of probation.