

By Mr. McDonough of Boston, petition of John E. McDonough, Kevin G. Honan, Paul J. Gannon and W. Paul White for legislation to provide alternative sentencing or early parole for certain youthful offenders and establishing a basic training program for such offenders. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING ALTERNATIVE SENTENCING OR EARLY PAROLE FOR CERTAIN YOUTHFUL OFFENDERS AND CREATING A BASIC TRAINING PROGRAM FOR SAME.

*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. General Laws Chapter 127 is amended by adding  
2 the following additional Section: —

3 **Judicial Disposition of Youthful Offenders.**

4 Section 1. Notwithstanding Clause (b) of General Laws, chap-  
5 ter 127, section 133, the Court may sentence as a youthful offender  
6 any person: (a) who is between the ages of seventeen (17) and  
7 twenty-six (26), with drug and or alcohol related history, who has  
8 been sentenced by the court to between four (4) months and two  
9 and a half (2½) years in a Massachusetts house of correction; (b)  
10 who has not previously been classified as a youthful offender  
11 under the provisions of this act; however, should a participant be  
12 required to withdraw from the program because of physical injury  
13 or illness, he may apply to the program once again.

1 SECTION 2. The provisions of this act shall not be used to  
2 impose a greater sentence than the maximum sentence provided  
3 under the General Laws for the offense for which the youthful  
4 offender has been convicted.

1 SECTION 3. The Massachusetts Sheriffs' Association shall  
2 develop and implement a basic training program for youthful  
3 offenders classified by the Houses of Correction as youthful  
4 offenders pursuant to this section. The program shall include  
5 marching drills, calisthenics, a rigid dress code, manual labor  
6 assignments, physical training with obstacle courses, and training  
7 in decision-making and personal development. The basic training  
8 program shall also include drug counseling and rehabilitation  
9 programs, and courses in adult basic education including but not  
10 limited to basic literacy and GED instruction. The Massachusetts  
11 Sheriffs' Association shall adopt rules requiring that basic training  
12 participants complete a structured disciplinary program, and  
13 allowing for a restriction on general inmate population privileges.  
14 Upon receipt of youthful offenders, the Houses of Correction shall  
15 screen offenders for the basic training program. To participate,  
16 an offender must have no physical limitations which would  
17 preclude participation in strenuous activity, must not be impaired,  
18 and must not have been previously incarcerated in a state or  
19 federal correctional facility. In screening offenders for the basic  
20 training program, the Houses of Correction shall consider the  
21 offender's criminal history and the possible rehabilitative benefits  
22 of "shock" incarceration. If an offender meets the specified criteria  
23 and space is available, the Houses of Correction shall request, in  
24 writing from the sentencing court, approval for the inmate to  
25 participate in the basic training program. The sentencing court  
26 shall notify the House of Correction within 14 days of receipt of  
27 the House of Correction's request for placement of the youthful  
28 offender in the basic training program. Failure to notify the House  
29 of Correction within 14 days shall be considered an approval of  
30 the sentencing court for placing the youthful offender in the basic  
31 training program. The program shall provide a 120 day session  
32 of rigorous discipline, physical and vocational training, therapy,  
33 and counselling to offenders who require a greater degree of  
34 supervision than community control or probation provides. The  
35 program is not intended to divert offenders away from probation  
36 or community control but to divert them from long periods of  
37 incarceration when a short "shock" incarceration could produce  
38 the same deterrent effect. If an offender in the basic training  
39 program becomes unmanageable, he may be returned to the

40 general population to complete the remainder of his sentence. The  
41 portion of the sentence served prior to placement in the basic  
42 training program shall not be counted toward program  
43 completion. Upon completion of the program, the program shall  
44 submit a report to the court that describes the offender's  
45 performance.

1 SECTION 4. The participating offender shall be evaluated by  
2 the program staff on a continual basis throughout the entire  
3 period of "shock" incarceration. The evaluation shall include the  
4 offender's performance while incarcerated, and the likelihood of  
5 successful adjustment on parole, and other factors deemed  
6 relevant by the Parole Board or the program staff. The evaluation  
7 shall provide the basis for the recommendations by the program  
8 to the Parole Board upon the offender's completion of "shock"  
9 incarceration. Violation of any institutional or program rules or  
10 regulations may subject the participant to removal from the  
11 program by the Department of Correction.

1 SECTION 5. Upon completion of "shock" incarceration, the  
2 Parole Board shall review the case of the offender and recommend  
3 either that the offender be released on intensive parole supervision  
4 or that the offender serve the remainder of his sentence as provided  
5 by law. When the offender is released to intensive parole  
6 supervision by the Parole Board, the Parole Board shall require  
7 the offender to comply with the following conditions of intensive  
8 parole supervision in addition to any other conditions of parole  
9 ordered by the Parole Board: (a) be subject to multiple weekly  
10 visits with his supervising officers without prior notice; (b) abide  
11 by any curfew set by his supervising officers; (c) perform at least  
12 one hundred hours of unpaid community service work during the  
13 period of intensive parole supervision and, if unemployed,  
14 perform additional hours as instructed by his supervising officers;  
15 (d) refrain from using or possessing any controlled substance or  
16 alcoholic beverage and submit, at his own expense, to screening,  
17 evaluation, and treatment for controlled substance or alcohol  
18 abuse as directed by his supervising officers; (e) pay any costs as  
19 ordered by the sentencing court or Parole Board.

1 SECTION 6. The hearing by the Parole Board to consider  
2 intensive parole supervision for the offender having successfully  
3 completed “shock” incarceration shall be public and conducted  
4 in the same manner as parole hearings are otherwise provided.

1 SECTION 7. The Massachusetts Sheriffs’ Association shall  
2 provide a special training program for staff selected for the basic  
3 training program.