

SENATE No. 679

By Mr. Barrett, petition (accompanied by bill, Senate, No. 679) of Michael J. Barrett for legislation to establish a monthly probation supervision fee and the method of expending such funds. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH A MONTHLY PROBATION FEE AND THE METHOD OF EXPENDING SUCH FUNDS.

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. Paragraph two of section 87A of Chapter two
2 hundred and seventy-six of the General Laws, as most recently
3 amended by Section 343 of Chapter 150 of the Acts of 1990, is
4 amended by striking the first sentence of said paragraph and
5 inserting in place thereof the following: —

6 The court shall assess upon every person placed on supervised
7 probation a monthly probation supervision fee, hereinafter
8 referred to as “probation fee”, in the amount of not less than
9 thirty-five dollars per month.

1 SECTION 2. The last paragraph of section 87A of Chap-
2 ter 276 of the General Laws, as appearing in the 1988 Official
3 Edition, is hereby amended by striking out the last paragraph and
4 inserting in place thereof the following paragraphs:

5 Said probation fee shall be collected by the several probation
6 offices of the trial court and transmitted to the state treasurer who
7 shall establish and administer a probation fee fund. The treasurer
8 shall disburse monies from the fund only at the direction of the
9 Commissioner of Probation. The treasurer shall at the end of the
10 fiscal year submit an annual report to the Commissioner of
11 Probation showing the total amount in the fund. The monies shall
12 be used in accordance with the guidelines established by the

13 Commissioner of Probation, after consultation with the several
14 chief probation officers, to purchase services, including but not
15 limited to: alcohol, drug, and sex offender treatment; tests which
16 screen for the presence of drugs for probationers who lack
17 sufficient funds or insurance to purchase their own; to establish
18 probation supervision services designed for the specific needs of
19 the probationers and consistent with the General Laws and public
20 safety; and to aid in the collection of data regarding the services
21 and activities set forth in this section. Monies expended from the
22 fund shall be used to supplement, and not supplant, general
23 appropriations for probation services.

24 The Commissioner of Probation shall submit an annual report
25 to the Governor, the Joint Legislative Committee on Judiciary
26 and the Joint Legislative Committee on Criminal Justice showing
27 how monies from the fund were expended. Said report shall
28 include, but not be limited to, the following information: the
29 amount of probation fees collected by each probation office; the
30 total amount of monies from the probation fund and other sources
31 expended in the purchase of services, including supervision
32 services; the types of services purchased; and the number of
33 individuals who received said types of services. The Commissioner
34 of Probation shall establish procedures for the accurate collection
35 and compilation of such information.