

By Mrs. Gray of Framingham, petition of Barbara E. Gray for legislation to establish therapeutic release programs in county houses of corrections. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

AN ACT TO ALLOW THE ESTABLISHMENT OF THERAPEUTIC RELEASE PROGRAMS IN COUNTY HOUSES OF CORRECTION IN THE COMMONWEALTH.

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

1 The Sheriff of any county and, in the case of Suffolk County, the
2 penal commissioner may establish a therapeutic release program
3 under which persons sentenced to the house of correction may be
4 granted the privilege of leaving actual confinement during neces-
5 sary and reasonable hours for the purpose of receiving treatment
6 within the commonwealth. The treatment would encompass psy-
7 chiatric, psychological or other social services (such as personal
8 counseling, Alcoholic's Anonymous or drug therapy programs)
9 consistent with the rehabilitation of the offender.

10 The Sheriff or the Penal Commissioner shall designate which
11 therapeutic organizations are suitable for inmate participation.
12 Participation by the inmate will be on a voluntary basis. Any
13 inmate may apply to the Sheriff or Penal Commissioner for per-
14 mission to participate in such programs. The application shall
15 include a statement by the inmate that he agrees to abide by all
16 terms and conditions of the particular plan selected for him by the
17 Sheriff or Penal Commissioner or his designee. The application
18 shall state the name and address of the proposed treatment organi-
19 zation and its official, who shall assume responsibility for the
20 inmate's therapeutic treatment program, and all such other infor-
21 mation as the Sheriff or Penal Commissioner may require. The
22 Sheriff or the Penal Commissioner may approve, disapprove or

23 defer action on such an application. If the Sheriff or Penal Com-
24 missioner approves the application, he shall select a therapeutic
25 release program for the inmate which shall contain such terms and
26 conditions as might be necessary and proper; such a plan shall be
27 signed by the inmate, the Sheriff or Penal Commissioner and the
28 therapeutic organization official, prior to participation in the pro-
29 gram by the inmate. At any time after approval has been granted it
30 may be revoked at will by the Sheriff or Penal Commissioner or the
31 official of the therapeutic program or the inmate.

32 The Sheriff or the Penal Commissioner may appoint a therapeu-
33 tic release supervisor whose duties shall consist of participant
34 screening, keeping of records, procurement of therapeutic pro-
35 gram alternatives and associated duties designated by the Sheriff
36 or the Penal Commissioner.

37 Any inmate participating in a therapeutic release program who
38 leaves his place of treatment without the permission of the Sheriff
39 or the Penal Commissioner, the Treatment Release Supervisor or
40 the treatment organization official with the intention of not return-
41 ing to his place of confinement or having been ordered to return by
42 the Sheriff, Penal Commissioner or Treatment supervisor and
43 neglects to do so, shall be arrested and returned to such house of
44 correction, and upon conviction of such an escape, shall be sen-
45 tenced for a term of not to exceed one year or the term for which he
46 was originally sentenced, which ever is lesser.

47 The expense of the arrest and return of any such inmate shall be
48 paid in the same manner as the expense of the arrest and return of
49 an inmate who escapes from a House of Correction.

50 Nothing in this act shall be construed to affect eligibility for
51 release or parole.