

By Mr. Lawless of Orleans, petition of Robert C. Lawless for legislation to establish a women's restitution program for inmates. Public Safety.

## The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING A WOMEN'S RESTITUTION PROGRAM FOR INMATES.

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

1 Chapter 127 of the General Laws is hereby amended by inserting  
2 after section 83E the following six sections: —

3 Section 83F. As used in sections eighty-three G to eighty-three  
4 L, inclusive, the following words shall, unless the context clearly  
5 indicates otherwise, have the following meanings: —

6 "Board", the board of directors of the women's restitution  
7 program

8 "Classification board", the board established in section eighty-  
9 three H which screens inmates for the women's restitution  
10 program.

11 "Inmate", a woman who has been convicted of a crime and  
12 sentenced and committed to a county correctional facility.

13 "WRP", Women's restitution program.

14 Section 83G. The governor shall appoint a board of directors  
15 which shall consist of three members who shall be sheriffs and  
16 who shall be recommended by the Massachusetts Sheriff's  
17 Association to administer the women's restitution program. Said  
18 members shall serve for a term of two years and vacancies shall  
19 be filled in the same manner as aforesaid.

20 The board may hire staff and establish job criteria for the staff.  
21 Said staff shall receive appropriate training. The board shall  
22 promulgate rules and regulations to implement the provisions of  
23 sections eighty-three F to eighty-three L, inclusive, including but  
24 not limited to eligibility criteria for the WRP program.

25 Section 83H. The board shall appoint a classification board  
26 which shall consist of the staff of the WRP program. Said board  
27 shall make a determination whether an inmate is eligible for the  
28 WRP program and shall consider the following criteria in making  
29 such a determination.:

30 (1) the inmate shall have been sentenced by a court to  
31 confinement in a jail or house of correction for two and one-half  
32 years or less;

33 (2) no inmate convicted of a violent offense, including but not  
34 limited to, first and second degree murder, attempted murder,  
35 assault and battery with a dangerous weapon, rape, child  
36 molestation, or any sex offenses, kidnapping or illegal distribution  
37 or sale of controlled substances or identified as an habitual  
38 offender shall be eligible for the WRP program;

39 (3) the inmate shall not have been previously sentenced to a  
40 county, state or federal correctional facility for more than ninety  
41 days.

42 The classification board shall give preference to inmates with  
43 personal substance abuse histories as determined by the  
44 classification board.

45 Upon a determination by the classification board that an inmate  
46 is eligible for the WRP program the inmate shall be transferred  
47 from the jail or house of correction to such program; provided,  
48 however, that the inmate shall sign an agreement acknowledging  
49 her consent to participate in such program for a period of at least  
50 one hundred and twenty days; and provided, further, that the  
51 inmate shall undergo physical and psychological examinations to  
52 determine such inmate's suitability for such program. An inmate  
53 who fails to meet the physical or psychological requirements of  
54 the program, as established by the board, shall be transferred to  
55 the appropriate jail or house of correction to serve the original  
56 sentence.

57 Section 83I. The WRP program shall consist of an intensive  
58 regimen of education and training in decision-making and  
59 personal development, drug treatment and psychological  
60 counseling and rehabilitative, educational and vocational  
61 programs as developed by the board. Said program shall include  
62 a work program in a public or private enterprise for the purpose  
63 of providing restitution. Funds earned by the inmate shall be used:

64 (a) one-third to defer costs of incarceration; (b) one-third as  
65 restitution for victims where identified; and (3) one-third to the  
66 inmate to be held until release or to support the inmate's family,  
67 if so obligated. The board shall have the authority to contract with  
68 agencies, businesses or other enterprises in order to facilitate such  
69 work program.

70 Section 83J. Inmates who are not able to complete the WRP  
71 program for medical or disciplinary reasons shall be transferred  
72 to the appropriate jail or house of correction to serve the  
73 remainder of the sentence. Inmates who elect not to complete the  
74 program shall be transferred to the appropriate jail or house of  
75 correction to serve the full sentence. Final decisions on  
76 withdrawals and expulsions from the program shall be made by  
77 the classification board.

78 Section 83K. (a) Upon successful completion of the WRP  
79 program and a positive evaluation by staff members of the  
80 program, the board shall certify to the sentencing court that the  
81 inmate has completed the program.

82 (b) The board shall develop and implement a plan of intensive  
83 supervision for a conditional release program. The counties may  
84 in their discretion develop and provide a comparable reintegration  
85 program consistent with the goals established by the board.

86 (c) Upon successful completion of the WRP program and the  
87 subsequent reintegration program, the sentencing court shall  
88 modify the offender's record of incarceration to reflect a  
89 conviction with a sentence of probation.

90 Section 83L. The board shall annually report the results of the  
91 WRP program to the house and senate committees on ways and  
92 means and the joint committee on human services and elderly  
93 affairs. Said report shall include but not be limited to a cost-per-  
94 inmate analysis and an examination of the recidivism rates for  
95 graduates.

