



THE MASSACHUSETTS HOUSE OF REPRESENTATIVES
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House Passes Comprehensive Criminal Justice Reform Legislation

(BOSTON) – Representative Kate Hogan joined her colleagues in the House last month to pass comprehensive criminal justice reform legislation that will lead to a more equitable system by supporting our youngest and most vulnerable residents, reducing recidivism, increasing judicial discretion, and enhancing public safety.

“The House has put forth a proposal that will reform and improve our criminal justice system through a range of workable, forward-thinking solutions,” said Representative Kate Hogan (D-Stow). “Our goal is a criminal justice system that is more equitable, responsive, and enables all residents of the Commonwealth to live full and happy lives—I was proud to vote for this legislation and I’m hopeful about what these changes could mean for our state moving forward.”

For the first time in the history of Massachusetts, this legislation would establish a process for expunging criminal records. Courts will now be able to expunge certain juvenile and young adult (18-21) records, and records in cases of fraud or where an offense is no longer a crime. The legislation also bars third-party data companies from disseminating expunged records.

This legislation reflects a balanced, modern, smart-on-crime approach to sentencing. It eliminates mandatory and statutory minimum sentences for many low-level, non-violent drug offenses. At the same time, it bolsters the House’s multi-tiered approach to the opioid epidemic by creating the nation’s strongest law for trafficking Carfentanyl and by strengthening the Fentanyl trafficking law. The legislation also toughens penalties for repeat offenders convicted of operating under the influence (OUI).

As part of the House’s focus on combatting the opioid epidemic and providing healthcare parity, this legislation requires district attorneys to create pre-arraignment diversion programs for military personnel, Veterans, and individuals with addiction or mental health issues. It removes the age restriction to participate in a diversion program, as they are currently only available to defendants ages 22 and under. The bill also establishes restorative justice as a voluntary pre-arraignment program, which is a process whereby the offenders, victims, and members of the community collectively identify and address harms, needs, and obligations resulting from an offense in order to understand its impact and make repairs.

The House has a longstanding legacy of supporting the Commonwealth’s most vulnerable children, particularly those facing trauma and adversity. Accordingly, this bill raises the minimum age of criminal responsibility from seven to ten and decriminalizes a first offense misdemeanor if the punishment is a fine or imprisonment for not more than six months. The legislation establishes a Juvenile Justice Policy and Data Commission, which will make the state eligible for additional federal funding, and a Childhood Trauma Task Force to study and recommend gender responsive and trauma-informed approaches to treatment of youths in the juvenile justice system. The bill also extends Good Samaritan protections to alcohol incapacitation for individuals under 21.

Following reforms in 2010 and 2012, this legislation again updates the Commonwealth’s criminal offender record information (CORI) system to help individuals secure gainful employment and housing:

- Reduces the wait time to seal a conviction from ten years to seven years for a felony, and from five years to three years for a misdemeanor;
- Allows a conviction for resisting arrest to be sealed;
- Expands the ability of an applicant with a sealed record to be able to answer “no record” on housing applications;
- Creates an appeal process for applicants who have been denied a professional license due to a sealed record of a conviction;

- Establishes protections for businesses and landlords who shall be presumed to have no notice or ability to know about criminal records that have been sealed or expunged.

This legislation updates the Commonwealth's bail system and enhances judicial discretion by requiring a judge to take a person's financial resources into account when determining bail. Fines and fees could be waived if they would make it impossible for an individual, their immediate family or their dependents to meet basic food, shelter and clothing needs.

The legislation sets a limit on how long an inmate can be held in segregation (solitary confinement) without review and bans segregation for pregnant women and juveniles. It also creates a Segregation Review Board to ensure appropriate oversight of the use of segregation. Additionally, the bill creates a process and establishes an independent board for terminally ill inmates to petition for medical parole.

The legislation raises the threshold for larceny to qualify as a felony from \$250 to \$1,000. It also creates the crime of solicitation that is tied to the severity of the underlying crime.

The bill passed the House 144-9. A separate criminal justice reform bill passed the Senate, and a conference committee has been appointed to resolve differences between the two bills. Additionally, the House unanimously voted to pass another, narrower criminal justice bill (commonly referred to as the Council of State Government bill) that allows individuals to earn early release by participating in recidivism-reduction programs.

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Representative Kate Hogan

Representative Kate Hogan represents the Third Middlesex District, which includes the towns of Bolton, Hudson, Maynard, and Stow. She currently serves as the House Chair on the Joint Committee on Public Health. She also serves as Chair of the Library Legislative Caucus and Co-Chair of the Legislature's Elder Caucus. Rep. Hogan can be reached by phone at 617-722-2130 or by email at Kate.Hogan@MAhouse.gov. You can also connect with Rep. Hogan on Facebook ([facebook.com/kate.hogan.948](https://www.facebook.com/kate.hogan.948)) or Twitter ([@repkatehogan](https://twitter.com/repkatehogan)).



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