



JOBS NOT JAILS COALITION

AN ACT TO REDUCE THE CRIMINALIZATION OF POVERTY (SB777 and HB967)

Lead sponsors: Sen. William Brownsberger and Rep. Chynah Tyler

This landmark bill addresses many front-end and back-end problems within the criminal justice system that have the effect of criminalizing poverty and trapping people in a cycle of debt and unemployment. The bill seeks to: (1) prevent or reduce CORI consequences that shut people out of the economy and housing; (2) eliminate fees and fines that impoverish people or lead to incarceration of the poor; and (3) increase credits for earlier release from incarceration.

The bill will address collateral consequences at early and later stages of a criminal case and:

- Prevent offenses that never make it to the arraignment stage from becoming part of a person's criminal record. (Section 2).
- Exclude juvenile cases from an adult criminal record unless a case was tried in adult court or transferred from juvenile court to an adult court. (Section 3)
- Prevent juvenile cases that are sealed from impacting a person's ability to become a foster parent or work in the early education field. (Sections 4 to 5).
- Allow municipal police to treat certain misdemeanors as civil, not criminal. (Section 6).
- Allow sealing of police department records of drug possession charges in cases of first offense or dismissals after court records are sealed. (Sections 17, 18).
- Raise the felony larceny threshold from \$250 to \$1500 so that low level larcenies are treated as misdemeanors and can be sealed sooner. (Sections 27-38, 41).
- Make clear that once a case has been sealed its existence need not be acknowledged in applications related to housing or occupational licensure, not just in applications related to employment. (Sections 47-52).
- Allow sealing of adult records after 3 years of good conduct for a misdemeanor and 7 for a felony—reduced from the present 5 and 10 year waiting periods. (Sections 54, 55).
- Allow the sealing of juvenile records after a 1 year waiting period instead of 3 years. (Section 56).
- Raise the financial threshold for motor vehicle violations that would interrupt a period of clean time and prevent the sealing of juvenile records from \$50 to \$550. (Section 56)
- Require juveniles to be notified of the possibility that their records can be sealed. (Section 56).
- Add a law to specifically permit sealing of juvenile and adult police department records. (Section 56, 57).
- Require that adult and juvenile case dispositions, sealing orders and expungement orders be sent through the state police to the FBI so that FBI records are revised to reflect case outcomes and are sealed (or expunged) according to orders of Massachusetts courts. (Sections 56, 57).
- Allow expungement of cases from all local, state and federal records if the cases involved mistaken identity, other serious errors, or miscarriages of justice. (Section 58).

The bill addresses unfair fees, license suspensions and similar criminal justice consequences that impede re-entry into the workforce and impose hardships on the poor. The major provisions would:

- Eliminate the general \$100 statutory license reinstatement fee. (Section 12).
- Eliminate license suspension as an additional penalty for court defaults. (Sections 7, 42).
- Make operating an uninsured motor vehicle a civil violation. (Sections 13, 14).
- Require the Registrar to develop regulations allowing ability-based payment plans for traffic fines. (Section 16).
- Prevent the Department of Revenue from suspending licenses for non-payment of child support if the amount in question is less than \$500. (Section 19).
- Eliminate loss of license as a penalty for tagging (graffiti) or vandalism (Sections 39, 40)
- Eliminate fees charged for parole supervision. (Sections 1 and 20).
- Make court fees and fines waivable under a single common standard in cases where they would constitute a substantial financial hardship for a person or their family or dependents. (Sections 8, 9, 10, 11, 15, 23, 25, 26, 43, 44, 45, 60).
- Triple the rate at which fines are worked off by incarceration from \$30 per day to \$90 per day. (Section 21).
- Require appointment of counsel for low-income people and procedural protections to ensure that a person's ability to pay is considered before incarceration for non-payment of a fine and prohibiting the commitment of juveniles for non-payment of fines. (Section 22).
- Eliminate the \$150 counsel fee that is imposed on persons who are deemed indigent. (Section 24).
- Lower monthly fees for supervised probation from \$60 to \$45, making them the same as for administrative probation. (Section 45).
- Eliminate monthly probation fees for persons on probation after release from prison or a house of correction. (Section 45).
- Limit the amount of community service time courts may impose upon waiver of a probation fee. (Section 45).
- Require that courts notify defendants at sentencing of the risk of commitment for non-payment of fees or fines and also that the fees or fines may be waived in case of inability to pay such fees. (Section 59).