

Brief Summary of An Act to promote transparency, best practices, and better outcomes for children and communities (S.905; H. 1436)

- Reclassifies offenses and diverts low level kids from formal system processing in order to save money, reduce crime, and promote best practices to get kids on the right track. A significant percentage (up to half) of the youth incarcerated or detained in Massachusetts have a misdemeanor as their most serious offense. These youth could be served better in the community at far lower cost.
 - Decriminalizes the violation of town ordinances and other offenses currently decriminalized for adults.
 - Creates a mechanism to promote pre-arraignment diversion and programming in the community for youth.
 - Decriminalizes disturbing lawful assembly and disorderly conduct in school to prevent kids from being arrested for what are really school discipline issues. Arrest and court referral closely correlate to student drop out.
 - Decriminalizes consensual activity between adolescents by creating an exception to the statutory rape law for youth who are close in age.
- Creates a mechanism to expunge records for offenses committed before age 21 to ensure that a record of an offense committed as a teenager doesn't act as a lifelong barrier to success.
- Ensures that parents are appropriately involved in helping their children in the court system by creating a parent-child privilege. Children rely on their parents for guidance and help when they run into trouble; this bill ensures that parents can't be forced to testify about these conversations.
- Raises the lower limit of juvenile court jurisdiction to exclude very young children (under 11).
- Allows courts to consider age as a mitigating factor in cases involving young adults.
- Codifies existing Juvenile Court practice to ensure that children are not indiscriminately shackled during court proceedings. A judge can still allow shackling in cases where there is a specific safety or flight risk concern.
- Requires agencies, with guidance from the Office of the Child Advocate, to collect data on youth who enter the juvenile justice system and to document what happens to them after they enter it (e.g. how many youth are arrested, arraigned, detained, sentenced, etc.). Requires this data to include race & ethnicity to bring Massachusetts into compliance with federal law.

For more information, please contact Sana Fadel at Citizens for Juvenile Justice sanafadel@cfjj.org; Aaron Carty in Senator Karen Spilka's office; or Lisa Rosenfeld in Representative Kay Khan's office.