

HOUSE No. 2326

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker Oakley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>1/19/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/20/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/20/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/23/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/25/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/25/2023</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/25/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/27/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/14/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/16/2023</i>

HOUSE No. 2326

By Representative Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 2326) of Brandy Fluker Oakley and others relative to successful transitions and re-entries for incarcerated persons. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

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, as appearing in the 2020 Official Edition, is hereby
2 amended by inserting the end thereof the following new section: -

3 Section 170.

4 (a) As used in this section the following words shall have the following meanings:

5 “Correctional facility”, any building, enclosure, space or structure used for the custody,
6 control and rehabilitation of incarcerated persons and of such other persons as may be placed in
7 custody therein in accordance with law.

8 “Family member”, a spouse, child, step child, adopted child, sibling, step sibling, adopted
9 sibling, parent, step parent, adopted parent, foster parent, grandparent, grandchild, aunt, uncle,
10 niece, nephew, or cousin.

11 “Incarcerated person”, a person convicted of a crime and committed under sentence to a
12 correctional facility.

13 (b) The commissioner shall ensure that, not later than 120 days prior to the expected
14 discharge date of an incarcerated person, or upon learning of an anticipated departure from
15 incarceration within the next 120 days, the chief administrative officer of the correctional facility
16 supervising such incarcerated person shall begin the process for securing from the Registry of
17 Motor Vehicles, on behalf of the incarcerated person, an identification card by: (i) requesting the
18 necessary documents from personal sources, organizations, or government agencies that may
19 hold such documents and (ii) filing waivers of indigency if the standards are met under section
20 29 of chapter 261 to waive document fees. If the chief administrative officer can secure the
21 requisite documentation for a REAL-ID compliant identification card or license through the
22 standard process to request necessary documents as determined by the regulations promulgated
23 under this section, then the chief administrative officer shall make reasonable efforts to secure
24 the requisite documentation and file an application to provide the incarcerated person with a
25 REAL ID-compliant identification card or license. If the chief administrative officer has made
26 reasonable efforts and exhausted all requests for necessary documents for a REAL-ID compliant
27 identification card or license, but has been unable to secure sufficient documentation, then the
28 chief administrative officer shall secure the requisite documentation necessary and file an
29 application to provide an incarcerated person with a Massachusetts identification card or license.

30 (c) Notwithstanding sections 8 and 8E of chapter 90 or regulations promulgated by the
31 Registry of Motor Vehicles, if an incarcerated person attests that they do not have a permanent
32 address that would fulfill residence requirements indicated by the Registry of Motor Vehicles,
33 the following addresses shall be accepted for the sole purpose of issuing a REAL-ID compliant

34 or Massachusetts identification card or license: (i) the residence of an adult family member; (ii) a
35 temporary group residence where the incarcerated person intends to reside, such as a homeless
36 shelter, a halfway house, or a similar residence; (iii) a place of worship, community center, non-
37 profit organization, or a similar institution that provides the incarcerated person services; or (iv)
38 the address of the city or town hall in the municipality in which the incarcerated person intends
39 to reside upon discharge. If an incarcerated person chooses to provide an address from clauses
40 (i), (ii) or (iii), notice shall be sent to the owner and tenant of such residence or property within 7
41 days, including an option to object to the listing of the address on the incarcerated person's
42 proposed identification card or license. If the owner or tenant of such residence objects within 14
43 days or prior to the filing of an incarcerated person's application for an identification card or
44 license, then the incarcerated person shall be provided with the option to select or provide an
45 alternative address in accordance with clause (iv). If an alternative address other than an
46 individual's address of principal residence is provided in accordance with this paragraph but not
47 in full compliance with federal REAL-ID regulations, then such individual shall be issued a
48 Massachusetts identification card or license. Upon securing permanent residence, an incarcerated
49 person who received an identification card or license under this section shall provide the Registry
50 of Motor Vehicles with an updated address, and act in accordance with all other applicable laws
51 and regulations for a resident of the commonwealth reporting a change of address. A
52 municipality with a city or town hall that is listed as an address under clause (iv) shall not be
53 liable or responsible for routing an individual's correspondence or possessions.

54 (d) The Registry of Motor Vehicles shall accept a valid inmate identification card issued
55 by a Massachusetts correctional facility in accordance with chapter 127 section 23 as an

56 acceptable identification document for purposes of proof of Massachusetts residency when
57 issuing a Massachusetts identification card or license under sections 8 and 8E of chapter 90.

58 (e) An incarcerated person may affirmatively choose not to receive an identification card
59 or license. Such decision must be noted in a written and signed form, including the reason for
60 the incarcerated person's choice. Annually, on the first of January, the commissioner shall report
61 to the legislature the number of incarcerated persons who chose not to receive an identification
62 card or license and the listed reasons for that choice.

63 (f) The administrative officer shall aid the incarcerated person in submitting an affidavit
64 of indigency to the Registry of Motor Vehicles in accordance with section 29 of chapter 261, and
65 the Registry of Motor Vehicles shall provide the chosen identification card or license at no cost
66 to the incarcerated person. The administrative officer shall not delay further efforts to secure an
67 identification card or license while waiting for the Registry of Motor Vehicles to approve the
68 affidavit of indigency. If an incarcerated person does not qualify for indigency under section 29
69 of chapter 261, then the administrative officer shall provide the incarcerated person with the
70 option to pay the fees to secure the identification card or license through funds that the
71 incarcerated person may have in their personal canteen account. A correctional facility may
72 devote funds from its budget to subsidize or fully cover the fees to provide incarcerated persons
73 in their custody with an identification card or license. Neither the Registry of Motor Vehicles,
74 nor a correctional facility, or its affiliates, shall charge fees to incarcerated persons in excess of
75 the fees charged to the general public to receive a comparable identification card or license.

76 (g) Upon discharge from a state or county correctional facility, an incarcerated person
77 who did not affirmatively choose to refuse an identification card or license shall be provided
78 with their identification card or license.

79 (h) Nothing in this section shall be construed to extend the sentence of an incarcerated
80 person, nor shall an incarcerated person be held solely for the purpose of fulfilling the
81 requirements of this section.

82 (i) The Department of Corrections in consultation with the Registry of Motor Vehicles
83 shall promulgate regulations for the implementation of this section within 90 days of enactment.