



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
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RE: H1372 An Act to establish the Massachusetts innocence commission - language correction
DT: 27 May 2015

Dear Chairman Murphy of the Joint Committee on Public Service,

Thank you for considering bill *H1372 An Act to establish the Massachusetts innocence commission* I filed this bill on behalf of advocates throughout the state. My office made an error during filing and submitted an earlier version of the bill. Attached, you will find the corrected bill text with the changes bolded and italicized.

Thank you for your time and attention to this matter.

Sincerely,


Paul Heroux

H1372 An Act Relative to the Massachusetts Innocence Commission

Section 1. There shall be established a commission, known as the Massachusetts Innocence Commission, which shall analyze the circumstances of innocent persons being charged, prosecuted, convicted and incarcerated; *shall make recommendations concerning claims of actual innocence that have been referred by defense attorneys or innocence programs; shall advise district attorneys concerning the creation of conviction integrity units, deigned to investigate claims of actual innocence;* shall advise the legislature concerning the causes and factors associated with such wrongful convictions; shall consider and recommend reforms to investigative, prosecutorial, judicial and other processes; and shall propose remedial legislation with the goals of reducing the likelihood that innocent persons are convicted of crimes. The commission shall evaluate *recommended claims of actual innocence and* current practices and make appropriate recommendations in the following areas:

- (a) post-conviction access to the evaluation of DNA and other forensic evidence;
- (b) eyewitness identification procedures;
- (c) videotaping custodial and other questioning of suspects and witnesses;
- (d) use of informants', cooperating individuals', and inmates' testimony;
- (e) timely and full compliance with the government's responsibility to make exculpatory information available to a defendant and his or her counsel;
- (f) law enforcement training and education programming;
- (g) independence, impartiality, and scientific reliability of forensic laboratory operations;
- (h) oversight and disciplinary structures for evaluating allegations of police, prosecutorial, defense and judicial misconduct in criminal proceedings;
- (i) payment of counsel for the commonwealth and the defense, for investigative services, and other trial costs; and
- (j) advances in technology and techniques of investigative, forensic and pathological sciences*

(k) any other factors or areas which may be brought to the attention of the commission which relate to the general concern of the wrongful convictions of innocent persons.

Section 2. The members of the Massachusetts Innocence Commission shall consist of

(a) the Chief Counsel of the Committee for Public Counsel Services or his or her designee;

(b) the Attorney General for the Commonwealth or his or her designee;

(c) the colonel of the Massachusetts state police or his or her designee;

(d) the president of the Massachusetts Association of Defense Lawyers or his or designee, who shall have, at a minimum, twenty years of trial and/or appellate experience in criminal defense;

(e) two jail or house of correction or department of correction staff members who act as counselors,

correctional caseworkers, or chaplains, dealing with individual prisoners, appointed by the commissioner of correction;

(f) the president of the Massachusetts Chiefs of Police Association or his or her designee;

(g) a District Attorney designated by the president of the Massachusetts Association of District Attorneys;

(h) a forensic scientist experienced in the management and oversight of laboratory operations;

(i) a retired justice of the Superior court department or the appeals court or the supreme judicial court, appointed by the supreme judicial court; and

(j) two members of community and/or civil rights organizations, appointed by the Governor;

(k) the director of Committee for Public Counsel Services Innocence Program or his or her designee.

(l) the chief of counsel of the New England Innocence Project or his or her designee

(m) another individual, to be appointed by the Governor.

Each member shall serve for a term of three years, or until his or her successor is appointed.

Section 3. The commission shall be convened initially by the gubernatorial nominees, at which time a chair shall be elected from among the members. The commission shall meet no less than quarterly, and meetings shall be public meetings. The commission shall file an annual report on or before December 15 with the office of the clerks of the house of representatives and the senate and shall make that report and any recommendations for legislative or other government action available to all members of the legislature, to the governor and the lieutenant governor, to all other appropriate government offices, and to the public. The commission's annual report and any recommendations shall be public records.