



## Legislation Summary:

### **An Act providing community-based sentencing alternatives for primary caregivers of dependent children convicted of non-violent crimes**

Initial bill number: [S770/H3072](#) (Bill numbers will change as legislation proceeds.)

Sponsors: Sen. William Brownsberger, Rep. Russell Holmes

This bill enables judges to take primary caretaker status into account when sentencing for non-violent crimes. It also provides a mechanism for a parent to request such consideration after judgement. Non-custodial sentences must be considered if available, emphasizing community rehabilitation, parent-child unity and support, drug and alcohol treatment, domestic violence education and prevention, physical and sexual abuse counseling, job training and placement, and more. The court may later evaluate the individual's progress or violation of the conditions of the sentence and modify the sentence.

**Why this is good:** 65% of women in prison are mothers, most living with their children at time of conviction. 53% of women in Massachusetts correctional facilities were convicted of non-violent offenses. The vast majority of women are serving sentences of less than three years. In some neighborhoods in Boston, [nearly every street](#) has residents behind bars. This high rate of incarceration affects not only the individuals, but also [their children](#), their families, the neighborhood and the city as a whole. One in 14 children in the U.S. has had [a parent in state or federal custody](#), and the trauma of having a parent in custody is similar to that of being abused or domestic violence.

**Bottom Line:** In Massachusetts, there were 69,000 children who had a parent in custody in 2011. Prisons and jails are not set up to be a good environment for children. And this problem weighs more heavily on [minority communities of color](#). Parental incarceration is associated with more emotional difficulties, lower school engagement, and more problems in school, and less parental monitoring for the [children of parents in custody](#).