



Boston Bar

A S S O C I A T I O N

16 Beacon Street
Boston, MA 02108

Phone (617) 742-0615
Fax (617) 523-0127
www.bostonbar.org

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July 20, 2012

The Honorable Deval Patrick
Office of the Governor
State House, Room 360
Boston, MA 02133

Re: **Meaningful and Sensible Criminal Justice Sentencing Reform**

Dear Governor Patrick:

As President of the Boston Bar Association (BBA), I respectfully request that you decline to sign H 4286, "An Act relative to sentencing and improving law enforcement tools," and return this bill to the Legislature with amendments that will accomplish meaningful and sensible criminal justice sentencing reforms. The BBA understands and appreciates the very difficult task that was before the Conference Committee over the last few months. The Conference Committee's work on this important legislation is commendable, but H 4286, in its current form, contains substantial shortcomings that call for further work.

The BBA is concerned about many aspects of the bill, but we are particularly troubled by its limitation of judicial discretion and by its lack of real reform with respect to the issue of mandatory minimum drug sentences. While H 4286 does contain some improvements -- including a reduction to the school zone law -- it is largely aimed at eliminating parole for certain violent habitual offenders, and it does not go far enough to ease mandatory minimum drug sentences.

Sentencing reform has been the focus of considerable discussion and several major reports issued by the BBA over the last 25 years. The BBA has consistently urged the comprehensive repeal of mandatory sentencing laws for certain categories of crime, and particularly for non-violent drug offenses. The BBA strongly believes that the abolition of ineffective mandatory drug sentencing laws is sensible and fiscally responsible (given the high costs of incarceration), and ultimately far more protective of public safety than a system which relies on mandatory incarceration and ineligibility for positive programs and parole consideration.

Any criminal justice reform legislation needs to include real reform for drug offenses. We know that you have expressed a desire to see a fair and balanced

bill. The bill which is currently on your desk is not appropriately balanced and does not present a fair and sensible reform package. We hope that you will return H 4286 to the Legislature with amendments that allow for appropriate judicial discretion, consistent with the shared goal of ensuring that the punishment fits the crime in each case, and that favor treatment rather than incarceration for non-violent drug offenders.

Thank you for your consideration of the BBA's position on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Lisa C. Goodheart". The signature is written in black ink and is positioned above the printed name.

Lisa C. Goodheart

cc: William "Mo" Cowan, Chief of Staff
Mark Reilly, Chief Legal Counsel