The Massachusetts Legislature on Wednesday passed the most sweeping reforms to the state's criminal justice system in decades, a package aimed at paring the number of people caught up in the courts, helping those who have served their time stay out of jail, and giving young offenders more leeway to avoid the system altogether.

Governor Charlie Baker has expressed support for parts of the bill, but he has not said whether he will sign it into law.

The legislation is part of a national movement to ease punitive “tough-on-crime” measures crafted in the 1980s and ’90s, which critics say have disproportionately affected poor people and people of color.

“It's a huge historical turning point for our state when you set it in the context of the last several decades,” said Senator Sonia Chang-Díaz, a Jamaica Plain Democrat and longtime proponent of many of the changes in the package.

The House and Senate both overwhelmingly approved the justice package, which is a compromise between each chamber's version. The Senate approved the bill with a bipartisan vote of 37-0, as the chamber's Republican leader called it a “balanced approach.” And the House also approved it on a bipartisan vote of 148-5.

Among Baker's options now: signing the entire bill into law or sending it back to lawmakers with an amendment that addresses whatever concerns he may have.

House Speaker Robert A. DeLeo said the bill will maintain public safety while ensuring people who have served their time can start fresh.

“We were in [a] system where we would let people out of prison, congratulate them, and say, 'Good luck in the real world,' without providing any guidance to them," he said. The bill gives those people more opportunity and support, DeLeo added, saying that “this is a real reform.”

During the legislative process, most of the state's elected prosecutors had forcefully opposed aspects of the package — such as one that would prohibit parents from testifying against their minor children in almost all circumstances. But district attorneys offered more conciliatory comments this week.

“It's a broad and sweeping piece of legislation, and there are going to be things about it that we don't like and things about it that we like," Cape & Islands District Attorney Michael O'Keefe said Wednesday. “On the whole, I think the bill is pretty good.”

The bill would make significant changes to many parts of state law.

It would explicitly authorize DAs to divert people away from criminal sanctions. It would narrow the mandatory minimum sentence for dealing drugs in a school zone so that it applies only when a dealer has a gun, is selling to minors, or in certain other circumstances. And it would repeal other mandatory minimums, including the one-year sentence for the first offense of dealing cocaine.

It would shift how the state handles some children who break the law.
The legislation would remove juvenile court jurisdiction over kids aged 7 through 11 years old, so children that age would no longer face any criminal sanctions, even for murder. For example, in the extremely rare instance of an 11-year-old shooting someone, he or she could not be charged in court. But the Department of Children and Families could still get involved.

And the bill would forbid parents from testifying against their minor children. A mother who saw her 17-year-old son kill people couldn't testify in court against him even if she wanted to. Same with a father who spotted his 16-year-old daughter stealing a car. (The only exception would be when the victim is a family member and resides in the household.)

The legislation would also make several changes that could help poor people who commit a crime extract themselves from the maw of the criminal justice system more quickly if they stay on the right side of the law.

Currently, people convicted of stealing cash or goods worth more than $250 — say, a smartphone — are felons, subject to up to five years in state prison and diminished education and job prospects once they've done their time.

That's a lower monetary bar than almost every other state.

The bill would raise the threshold to $1,200, meaning that thefts of less-expensive items would not draw a felony charge.

A lesser charge, with a lesser penalty, means those found guilty will have a better chance of getting back on their feet more quickly, advocates say. But retailers insist it would incentivize theft.

The bill would trim the fines and fees required of people who commit crimes and give those who have served their time a clearer path back to society by strengthening laws that seal records and expunge old convictions.

And the legislation would mandate that a judge setting bail must consider, to the extent practicable, the defendant's financial resources.

If bail is set at a level that is likely to be unaffordable and therefore means that a defendant would have to stay in jail while awaiting trial, judges would have to explain why. They'd have to state how the state's interest in keeping someone who has not yet faced a trial locked up outweighs the potential adverse impact on the defendant and his or her family.

The package would also mandate that the state notify people about their upcoming court dates — via text and e-mail, for example — a provision intended to ensure they don't fall into a spiral of accumulating penalties for not showing up.

Public defenders, who serve people accused of crimes who are too poor to hire their own lawyers, praised the legislation.
“It should make a significant difference in the lives of many since it reduces the effect poverty has on determining whether or not a person enters the system and how long they remain trapped in the system,” said Anthony J. Benedetti, chief counsel of the Committee for Public Counsel Services.

The bill also includes several provisions that have been cheered by law enforcement, toughening some drug penalties, adding new rules so DNA samples from convicts are taken more expeditiously, and strengthening punishment for habitual drunk drivers.

One key change would make it easier to prosecute traffickers of fentanyl, the ultrapowerful opioid that is often mixed into heroin and plays an increasingly deadly role in Massachusetts’ overdose crisis.

The legislation also would add new oversight for those in solitary confinement in state prison, including a new nine-person committee appointed by the governor that would scrutinize data about how solitary is used.

In 2015, Massachusetts had the second-lowest imprisonment rate of any state, with 179 sentenced prisoners for every 100,000 people, according to the federal Bureau of Justice Statistics.

The House and Senate passed another criminal justice bill as well Wednesday. That one is based on a report commissioned by state leaders and put together by a nonprofit, the Council of State Governments.

The group found that two-thirds of people leaving jails in Massachusetts and more than half of those leaving state prison ended up back in the criminal system within three years.

The legislation, which Baker has said he will sign, is crafted to give many prisoners a greater opportunity to earn early release through participating in and completing rehabilitative programming. That, in turn, will incentivize taking part in and finishing programs such as those that try to change the way criminals think about their behavior.

The legislation will also beef up post-release supervision to help ex-offenders stay on track.

All the movement forward on issues of justice, said Chang-Díaz, the senator from Jamaica Plain, was particularly fitting Wednesday — in the Easter season of renewal, during the Passover holiday that recalls the Israelites’ passage out of bondage, and on the 50th anniversary of the murder of the Rev. Martin Luther King Jr.

“It's not a panacea, there are things we need to continue to work on, but,” she said, “it is a momentous, momentous occasion for the state.”