

SENATE No. 826

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 to reduce mass incarceration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/29/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/30/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/7/2019</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/14/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>4/9/2019</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>4/29/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>7/29/2019</i>

SENATE No. 826

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 826) of Joseph A. Boncore, Joanne M. Comerford, Mike Connolly, Patricia D. Jehlen and other members of the General Court for legislation to reduce mass incarceration. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to reduce mass incarceration.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 133A of Chapter 127 of the General Laws as it appears in the 2014
2 Official Edition, is hereby amended by striking, in the first sentence of the first paragraph, the
3 phrases: “except prisoners confined to the hospital at the Massachusetts Correctional Institution,
4 Bridgewater, except prisoners serving a life sentence for murder in the first degree who had
5 attained the age of 18 years at the time of the murder and except prisoners serving more than 1
6 life sentence arising out of separate and distinct incidents that occurred at different times, where
7 the second offense occurred subsequent to the first conviction,”; and by inserting in the first
8 paragraph after the phrase “of the minimum term fixed by the court under Section 24 of Chapter
9 279.” the following sentence:- Provided, however, that in the case of a prisoner serving more
10 than 1 life sentence arising out of separate and distinct incidents that occurred at different times,
11 where the second offense occurred subsequent to the first conviction, such prisoner shall be
12 eligible for parole 25 years after the start of the second or most recent sentence.

13 SECTION 2. Amend Section 133C of Chapter 127 of the General Laws at it appears in
14 the 2014 Official Edition, is hereby amended by striking, in the first paragraph, the phrase:
15 “except prisoners serving a life sentence for murder in the first degree who had attained the age
16 of 18 years at the time of the murder and prisoners confined to the hospital at the Massachusetts
17 Correctional Institution, Bridgewater.”.

18 SECTION 3. Subsection (a) of Section 2 of Chapter 265 of the General Laws as it
19 appears in the 2014 Official Edition, is hereby amended by striking the phrase: “not be eligible
20 for parole pursuant to Section 133A of Chapter 127.”, and inserting in place thereof the phrase:-
21 shall be eligible for parole after a term of years fixed by the court pursuant to Section 24 of
22 Chapter 279.

23 SECTION 4. Amend subsection (b) of Section 2 of Chapter 265 of the General Laws as it
24 appears in the 2014 Official Edition, by inserting in the fourth line, after the words “term of
25 years”:- but no more than 25 years, as.

26 SECTION 5. Section 24 of chapter 279 of the General Laws as it appears in the 2014
27 Official Edition, is hereby amended by striking, in the first paragraph, the phrase: “which shall
28 be not less than 15 years nor more than 25 years,” and insert in place thereof the phrase:- of 15
29 years; and by striking out the second paragraph in its entirety and inserting in place thereof the
30 following paragraph:-

31 In the case of a sentence to life imprisonment for murder in the first degree, the court
32 shall fix a minimum term of 25 years; provided, however, that in the case of a person who
33 committed the murder on or after the person’s fourteenth birthday and before the person’s
34 eighteenth birthday, the court shall fix a minimum term of not less than 15 years nor more than

35 20 years, after consideration of relevant mitigating and exacerbating circumstances; and
36 provided, however, that in the case of a person sentenced to life imprisonment for murder in the
37 first degree adjudicated solely by a verdict of felony murder or joint venture and where the
38 offender is not the actual killer, committed on or after the person's fourteenth birthday and
39 before the person's eighteenth birthday, the court shall fix a minimum term of not less than 10
40 years nor more than 12 years.

41 SECTION 6. Notwithstanding any other provision of law, Section 24 of Chapter 279 of
42 the General Laws as it appears in the 2014 Official Edition shall apply to any person found guilty
43 of murder pursuant to subsections (a), (b) or (c) of Section 2 of Chapter 265 prior to or after the
44 effective date of this act.

45 SECTION 7. Subsection (b) of Section 25 of Chapter 279 of the General Laws as it
46 appears in the 2014 Official Edition is hereby amended by inserting in the first paragraph after
47 the words "for good conduct", the following phrase:- provided, however, that in the case of a
48 person so serving a life sentence, parole eligibility will commence after serving 25 years of said
49 sentence. And by inserting after the last paragraph of subsection (b) of section 25 the following
50 sentence:- Notwithstanding any other provision of law, section 25(b) shall apply to any person
51 convicted as a habitual offender pursuant to subsection (a) or (b) of Section 25 of Chapter 279
52 prior to or after the effective date of this act.

53 SECTION 8. Notwithstanding any other provision of the law, except as provided by
54 SECTION 1 of this act, no person shall be imprisoned for more than 25 years without a parole
55 hearing at 25 years.