

SENATE No. 2258

Senate, June 8, 2014– Text of the Senate amendment to the House Bill relative to juvenile life sentences (House, No. 4181, amended) (being the text of Senate, No. 2246, printed as amended)

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

1 SECTION 1. Section 4 of chapter 27 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the second paragraph the following
3 paragraph:-

4 Notwithstanding the preceding paragraph, the board at all times shall include at least 1
5 person with not less than 10 years of experience and training in adolescent development and
6 psychology. The person shall be selected by either the panel or the governor from a list of
7 nominees provided by the Massachusetts chapter of the American Academy of Pediatrics, the
8 New England Council of Child and Adolescent Psychiatry, Inc., the Massachusetts Psychological
9 Association Inc., the Massachusetts Psychiatric Society, Inc. and the committee for public
10 counsel services.

11 SECTION 2. Section 72B of chapter 119 of the General Laws, as amended by section
12 24A of chapter 84 of the acts of 2013, is hereby further amended by inserting after the fourth
13 paragraph the following paragraph:-

14 The department of correction and the department of youth services shall provide every
15 juvenile convicted of murder in the first degree or murder in the second degree with timely and
16 sufficient access to programming and treatment including, but not limited to, education,
17 substance abuse, anger management and vocational training. If the department of correction and
18 the department of youth services objectively determine that the person qualifies for placement in
19 a minimum security correctional facility, the placement shall not be prohibited based on the
20 nature or status of the offense or the age of the person at the time of the commission of the crime.

21 SECTION 3. Section 133A of chapter 127 of the General Laws, as appearing in the 2012
22 Official Edition, is hereby amended by inserting after the word “degree”, in line 5, the following
23 words:- who had attained the age of 18 years at the time of the murder.

24 SECTION 4. Said section 133A of said chapter 127, as so appearing, is hereby further
25 amended by adding the following paragraph:-

26 If the prisoner is serving a life sentence for murder in the first degree committed before
27 the prisoner's eighteenth birthday, the prisoner shall have the right to have appointed counsel at
28 the parole hearing if the prisoner is considered to be indigent and the right to funds for experts as
29 determined by the standards under chapter 211D.

30 SECTION 5. Section 133C of said chapter 127, as so appearing, is hereby amended by
31 inserting after the word "degree", in line 6, the following words:- who had attained the age of 18
32 years at the time of the murder.

33 SECTION 6. Chapter 265 of the General Laws is hereby amended by striking out section
34 2, as so appearing, and inserting in place thereof the following section:-

35 Section 2. (a) Except as provided in subsection (b), any person who is found guilty of
36 murder in the first degree shall be punished by imprisonment in the state prison for life and shall
37 not be eligible for parole under subsection (a) of section 133A of chapter 127.

38 (b) Any person who is found guilty of murder in the first degree who committed the
39 offense on or after the person's fourteenth birthday and before the person's eighteenth birthday
40 shall be punished by imprisonment in the state prison for life and shall be eligible for parole after
41 the term of years fixed by the court pursuant to section 24 of chapter 279.

42 (c) Any person who is found guilty of murder in the second degree shall be punished by
43 imprisonment in the state prison for life and shall be eligible for parole after the term of years
44 fixed by the court pursuant to section 24 of chapter 279.

45 (d) Any person whose sentence for murder is commuted by the governor and council
46 under section 152 of chapter 127 shall thereafter be subject to the laws governing parole.

47 SECTION 7. Section 24 of chapter 279 of the General Laws, as so appearing, is hereby
48 amended by adding the following paragraph:-

49 In the case of a sentence of life imprisonment for murder in the first degree committed by
50 a person on or after the person's fourteenth birthday and before the person's eighteenth birthday,
51 the court shall fix a minimum term of not less than 20 years nor more than 30 years; provided,
52 however, that in the case of a sentence of life imprisonment for murder in the first degree with
53 extreme atrocity or cruelty committed by a person on or after the person's fourteenth birthday
54 and before the person's eighteenth birthday, the court shall fix a minimum term of 30 years.

55 SECTION 8. Sections 3, 6 and 7 shall apply only to a person who commits a murder after
56 the effective date of this act.

57 SECTION 9. Section 5 shall apply to prisoners convicted of murder in the first degree
58 regardless of when the murder for which the prisoner was convicted took place.