

HOUSE No. 3358

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/8/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/31/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/29/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>1/31/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/31/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/27/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/30/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/31/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/22/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/1/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/1/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/28/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2019</i>

<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/1/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/25/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/30/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/29/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/29/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/23/2019</i>

HOUSE No. 3358

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 3358) of Jay D. Livingstone and others relative to 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 appears
19 in the 2014 Official Edition, is hereby amended by striking the phrase: “not be eligible for parole
20 pursuant to section 133A of Chapter 127.”, and inserting in place thereof the phrase:- shall be
21 eligible for parole after a term of years fixed by the court pursuant to section 24 of chapter 279.

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

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

30 In the case of a sentence to life imprisonment for murder in the first degree, the court
31 shall fix a minimum term of 25 years; provided, however, that in the case of a person who
32 committed the murder on or after the person’s fourteenth birthday and before the person’s
33 eighteenth birthday, the court shall fix a minimum term of not less than 15 years nor more than
34 20 years, after consideration of relevant mitigating and exacerbating circumstances; and

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

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

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

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