

**HOUSE . . . . . No. 1195**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Ruth B. Balsler***

*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 providing for enhancing public safety by reforming the Parole Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Ellen Story</i>	<i>3rd Hampshire</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	

**HOUSE . . . . . No. 1195**

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 1195) of Ruth B. Balsler and others relative to the membership of the Parole Board. The Judiciary.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act providing for enhancing public safety by reforming the Parole Board.

*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 4 of chapter 27 of the General Laws, as recently amended by  
2 sections 6 to 10 of chapter 192 of the Acts of 2012, is hereby further amended by striking it out  
3 in its entirety and replacing it with the following:

4 There shall be in the department, but not subject to its jurisdiction, a parole board,  
5 consisting of nine members, to be appointed by the governor, with the advice and consent of the  
6 council, for terms of five years. The governor may, with the advice and consent of the council,  
7 remove members from the board for cause, upon a written certification of such cause; provided,  
8 that such member shall have the right to notice and the opportunity for a public hearing before  
9 the council relative to such removal.

10 Whenever a vacancy occurs in the membership of the board the governor shall appoint a  
11 panel of 9 persons consisting of the administrative justice for the superior court department, the  
12 president of the state parole officers association, 1 person chosen from a list of 3 nominees  
13 submitted by the Massachusetts District Attorneys Association, 1 person chosen from a list of 3  
14 nominees submitted by the committee for public counsel services, 1 person chosen from a list of  
15 3 nominees submitted by the Prisoners' Legal Services and 1 member from local law  
16 enforcement, the chairman of the advisory committee on correction, the president of the  
17 Massachusetts bar association or his designee, and the secretary of the executive office of public  
18 safety who shall serve as chairman of said panel. Said panel shall submit to the governor, within  
19 sixty days of the establishment of said panel, a list of not less than six nor more than nine  
20 persons, or not more than twelve persons in the event there should be two or more vacancies to  
21 fill, who are qualified by knowledge, education or experience in the administration of criminal  
22 justice or in the behavioral sciences as hereinafter provided. Such persons shall be graduates of

23 an accredited four-year college or university and shall have had at least five years of training and  
24 experience in one or more of the following fields:-- parole, probation, corrections, law, law  
25 enforcement, psychology, psychiatry, sociology and social work; provided, however, that the  
26 panel may, by unanimous vote, submit the name of a person who has demonstrated exceptional  
27 qualifications and aptitude for carrying out the duties required of a parole board member, if such  
28 person substantially, although not precisely, meets the above qualifications. At least 1 person on  
29 said list shall be a professional with not less than 5 years of experience and training in adolescent  
30 development and psychology, and shall be selected from a list of proposed nominees provided by  
31 the following organizations: the Massachusetts Chapter of the American Academy of Pediatrics,  
32 Inc.; the New England Council of Child and Adolescent Psychiatry, Inc.; the Massachusetts  
33 Psychological Association, Inc.; and the Massachusetts Psychiatric Society, Inc. The list of  
34 names of such persons for each vacancy shall include one or more of the following, insofar as it  
35 is possible to select such persons who are willing and able to fill promptly the existing vacancy  
36 or vacancies:-- an attorney admitted to practice in Massachusetts, an M.D. with a board  
37 certification in psychiatry and a license in good standing with the Board of Registration in  
38 Medicine, a victim witness advocate; provided, that such victim representative is otherwise  
39 qualified as provided for above, a psychologist with a license in good standing with the Board of  
40 Registration in Psychology, a social worker with a PhD in social work or a license as a  
41 LICSW/LCSW in good standing with the Board of Registration in Social Work or a PhD in  
42 sociology, and a member of the Massachusetts parole staff. No fewer than 3 members of said  
43 board shall be selected from fields of psychiatry, psychology, social work, or sociology.

44 The governor shall designate one of the members as chairman, said member to serve as  
45 chairman at the will of the governor. The chairman shall be the executive and administrative  
46 head of said board, shall have the authority and responsibility of directing assignments of  
47 members of said board and shall be the appointing and removing authority for parole agents and  
48 other members of the parole staff. In the case of the absence or disability of the chairman, the  
49 governor may designate one of the members to act as chairman during such absence or disability.

50 The positions of chairman and each of the other members shall be classified in  
51 accordance with section forty-five of chapter thirty and the salaries shall be determined in  
52 accordance with section forty-six C of said chapter thirty. Members shall devote full time to their  
53 duties, and no member shall hold any other salaried public office or engage in any activity which  
54 is in violation of any law or which interferes or conflicts with his full time service as a member  
55 during his incumbency.

56 SECTION 2: Section 133A of chapter 127 of the General Laws, as recently amended by  
57 sections 37 and 39 of chapter 192 of the Acts of 2012, is hereby further amended by striking it  
58 out the first paragraph in its entirety and replacing it with the following:

59 Every prisoner who is serving a sentence for life in a correctional institution of the  
60 commonwealth, except prisoners confined to the hospital at the Massachusetts Correctional

61 Institution, Bridgewater, except prisoners serving a life sentence for murder in the first degree  
62 and except prisoners serving more than 1 life sentence arising out of separate and distinct  
63 incidents that occurred at different times, where the second offense occurred subsequent to the  
64 first conviction, shall be eligible for parole at the expiration of the minimum term fixed by the  
65 court under section 24 of chapter 279 . The parole board shall, within 60 days before the  
66 expiration of such minimum term, conduct a public hearing before any six members appointed  
67 by the chairman to act as the parole board for purposes of granting or revocation of paroles.  
68 Notwithstanding the previous sentence, the board may postpone a hearing until 30 days before  
69 the expiration of such minimum term, if the interests of justice so require and upon publishing  
70 written findings of the necessity for such postponement If a board member has a conflict of  
71 interest to the extent that he cannot render a fair and impartial decision or that the appearance of  
72 a board member would be unduly burdensome because of illness, incapacitation, or other  
73 circumstance, the chair shall appoint another member of the board to the hearing panel. Whether  
74 a member is unavailable for the purposes of this section shall be determined by the chair. Board  
75 members shall appear unless said chair determines them to be unavailable. Under no  
76 circumstances shall a parole hearing proceed pursuant to this section unless a majority of the  
77 board is present at the public hearing.

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79 SECTION 3: Section 133A of chapter 127 of the General Laws, as recently amended by  
80 sections 37 and 39 of chapter 192 of the Acts of 2012, is hereby further amended by striking it  
81 out the third paragraph in its entirety and replacing it with the following:

82 After such hearing the parole board may, by a vote of two-thirds of the hearing panel,  
83 grant to such prisoner a parole permit to be at liberty upon such terms and conditions as it may  
84 prescribe for the unexpired term of his sentence. If such permit is not granted, the parole board  
85 shall, at least once in each ensuing five year period, consider carefully and thoroughly the merits  
86 of each such case on the question of releasing such prisoner on parole, and may, by a vote of  
87 two-thirds of the hearing panel, grant such parole permit. By request of the hearing panel, any  
88 case may be referred to the full membership of the board for further consideration.