HOUSE DOCKET, NO. 2123 FILED ON: 1/17/2013

HOUSE . . . . . No. 1426

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

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 relative to juvenile life sentences.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
John D. Keenan	*7th Essex*	*1/17/2013*
Colleen M. Garry	*36th Middlesex*	*1/17/2013*
Cory Atkins	*14th Middlesex*	*1/17/2013*
Paul R. Heroux	*2nd Bristol*	*1/17/2013*
Jennifer E. Benson	*37th Middlesex*	*1/17/2013*

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By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 1426) of John D. Keenan and others relative to juvenile life sentences. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to juvenile life sentences.

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

Chapter 265 of the General Laws is hereby amended by striking out Section 2 and inserting in its place the following: -

Section 2. (a) Except as provided in subsection (b), whoever is guilty of murder in the first degree shall be punished by imprisonment in the state prison for life, and such person shall not be eligible for parole under section one hundred and thirty-three A of chapter one hundred and twenty-seven.

(b) Any person who is guilty of murder in the first degree and who had not attained the age of eighteen years at the time of the murder shall be punished by imprisonment in the state prison for life and, notwithstanding any provision of section one hundred and thirty-three A of chapter one hundred and twenty-seven to the contrary, may be designated by the court as eligible for parole at the expiration of the minimum term fixed by the court under section twenty-four of chapter two hundred and seventy-nine. The sentencing court shall provide written reasons for this designation.

(c) Whoever is guilty of murder in the second degree shall be punished by imprisonment in state prison for life.

(d) Any person whose sentence for murder is commuted by the governor and council under the provisions of section one hundred and fifty-two of said chapter one hundred and twenty-seven shall thereafter be subject to the provisions of law governing parole.

Chapter 279 of the General Laws is hereby amended by striking out Section 24 and inserting in its place the following: -

Section 24. If a convict is sentenced to the state prison, except as a habitual criminal, the court shall not fix the term of imprisonment, but shall fix a maximum and a minimum term for which he may be imprisoned. The maximum term shall not be longer then the longest term fixed by law for the punishment of the crime of which he has been convicted, and the minimum term shall be a term set by the court, except that, where an alternative sentence to a house of correction is permitted for the offense, a minimum state prison term may not be less than one year. In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and in the case of multiple life sentences arising out of separate and distinct incidents that occurred at different times, where the second offense occurred subsequent to the first conviction, the court shall fix a minimum term which shall not be less than 15 years nor more than 25 years. In the case of a sentence for murder in the first degree imposed upon a person who has been designated pursuant to subsection (b) of section two of chapter two hundred and sixty-five as eligible for parole, the court shall fix a minimum term which shall not be less than 35 years.