

HOUSE No. 1651

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

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 work release eligibility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>1/17/2013</i>

HOUSE No. 1651

By Mr. Toomey of Cambridge, a petition (accompanied by bill, House, No. 1651) of Timothy J. Toomey, Jr. for legislation to permit sheriffs to grant work release to inmates without direct supervision by corrections officers in the inmate's place of employment. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to work release eligibility.

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 32H of chapter 94C, as appearing in 2010 Official Edition, is
2 hereby amended by striking out the second paragraph, as amended by sections 28 and 29 of
3 chapter 192 of the acts of 2012, and inserting in place thereof the following paragraph:-

4 A person convicted of violating said sections shall not, until he shall have served the
5 mandatory minimum term of imprisonment established in said sections, be eligible for probation,
6 furlough, work release or receive any deduction from his sentence for good conduct under
7 sections 129C and 129D of chapter 127, nor shall he be eligible for parole except as authorized
8 pursuant to subsection (c) of Section 32, subsection (e) of section 32A, subsection (c) of section
9 32B, subsection (d) of section 32E, or section 32J; provided, however, that the commissioner of
10 correction, on the recommendation of the warden, superintendent or other person in charge of the
11 correctional institution, or a sheriff, on the recommendation of the administrator of a county
12 correctional institution, may grant to said offender a temporary release, subject to the rules and
13 regulations of the institution and under the direction, control and supervision of the officers
14 thereof, for the following purposes: (1) to attend the funeral of a relative, to visit a critically ill
15 relative, to obtain emergency medical or psychiatric services unavailable at said institution; (2) to
16 participate in education, training, or employment programs established under section 48 of
17 chapter 127; or (3) to participate in a program to provide services under section 49B or 49C of
18 chapter 127. A Sheriff may, at the sheriff's discretion, allow said offender to engage in
19 employment under a work release program under sections 49, 49A, 86F or 86G of chapter 127.
20 Section 87 of chapter 276 shall not apply to any person, 17 years of age or older, charged with a
21 violation of said sections, or to any child between age 14 and 17, so charged by indictment under
22 section 54 of chapter 119.

SECTION 2. This act shall take effect upon its passage.