

# HOUSE . . . . . No. 4307

---

---

## The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2258; and by striking out the title and inserting in place thereof the following title: “An Act relative to juvenile life sentences for first-degree murder.”) of the House Bill relative to juvenile life sentences (House, No. 4184, amended), reported recommending passage of a Bill relative to juvenile life sentences for first-degree murder (House, No. 4307). July 15, 2014.

Christopher M. Markey	William N. Brownsberger
Garrett J. Bradley	Jennifer L. Flanagan
Bradford Hill	Bruce E. Tarr

**HOUSE . . . . . No. 4307**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Fourteen**  
\_\_\_\_\_

An Act relative to juvenile life sentences for first degree murder.

*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 appearing in the 2012  
2 Official Edition, is hereby amended by inserting after the word “members”, in line 2, the  
3 following words:- , 1 of whom shall at all times have experience in forensic psychology.

4           SECTION 2. Section 72B of chapter 119 of the General Laws, as amended by section  
5 24A of chapter 84 of the acts of 2013, is hereby further amended by inserting after the fourth  
6 paragraph the following paragraph:-

7           The department of correction shall not limit access to programming and treatment  
8 including, but not limited to, education, substance abuse, anger management and vocational  
9 training for youthful offenders, as defined in section 52, solely because of their crimes or the  
10 duration of their incarcerations. If the youthful offender qualifies for placement in a minimum  
11 security correctional facility based on objective measures determined by the department, the  
12 placement shall not be categorically barred based on a life sentence.

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

16           SECTION 4. Section 133C of said chapter 127, as so appearing, is hereby amended by  
17 inserting after the word “degree”, in line 6, the following words:- who had attained the age of 18  
18 years at the time of the murder.

19           SECTION 5. Chapter 265 of the General Laws is hereby amended by striking out section  
20 2, as so appearing, and inserting in place thereof the following section:-

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

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

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

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

33 SECTION 6. Section 24 of chapter 279 of the General Laws, as so appearing, is hereby  
34 amended by adding the following paragraph:-

35 In the case of a sentence of life imprisonment for murder in the first degree committed by  
36 a person on or after the person's fourteenth birthday and before the person's eighteenth birthday,  
37 the court shall fix a minimum term of not less than 20 years nor more than 30 years; provided,  
38 however, that in the case of a sentence of life imprisonment for murder in the first degree with  
39 extreme atrocity or cruelty committed by a person on or after the person's fourteenth birthday  
40 and before the person's eighteenth birthday, the court shall fix a minimum term of 30 years; and  
41 provided further, that in the case of a sentence of life imprisonment for murder in the first degree  
42 with deliberately premeditated malice aforethought committed by a person on or after the  
43 person's fourteenth birthday and before the person's eighteenth birthday, the court shall fix a  
44 minimum term of not less than 25 years nor more than 30 years.

45 SECTION 7. There shall be a commission to study and determine the usefulness and  
46 practicality of creating a developmental evaluation process for all cases of first degree murder  
47 committed by a juvenile. For the purposes of this section, juvenile shall mean a person between  
48 the ages of 14 and 18. The evaluation process shall determine the developmental progress and  
49 abilities of the juvenile offender at the time of sentencing and parole eligibility and the parole  
50 board shall utilize the evaluation process for future parole decisions regarding the juvenile  
51 offender. In making recommendations, the commission shall establish factors to analyze in  
52 determining the developmental progress of a juvenile offender. The commission shall consist of:  
53 the secretary of public safety and security or a designee, who shall serve as chair; the executive  
54 director of the Massachusetts office of victim assistance or a designee; the commissioner of  
55 mental health or a designee; the chief justice of the trial court or a designee; the chief justice of  
56 the juvenile court department or a designee; the chief counsel for the committee for public  
57 counsel services or a designee; the president of the Massachusetts District Attorneys Association

58 or a designee; 2 members of the senate, 1 of whom shall be appointed by the minority leader of  
59 the senate; 2 members of the house of representatives, 1 of whom shall be appointed by the  
60 minority leader of the house of representatives; and at least 2 people who specialize in child  
61 psychology and mental development, who shall be appointed by the governor. The commission  
62 shall submit its report and findings, along with any drafts of legislation, to the house and senate  
63 committees on ways and means, the joint committee on the judiciary and the clerks of the senate  
64 and the house of representatives by December 31, 2014.

65 SECTION 8. Sections 3, 5 and 6 shall apply only to a person who commits a murder after  
66 the effective date of this act.

67 SECTION 9. Sections 2 and 4 shall apply regardless of when the murder for which the  
68 prisoner was convicted took place.