SENATE DOCKET, NO. 1597 FILED ON: 1/18/2013

SENATE . . . . . No. 1173

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 requiring payment by certain prisoners of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Bradley H. Jones, Jr.	*20th Middlesex*
Michael R. Knapik	*Second Hampden and Hampshire*

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1173) of Bruce E. Tarr, Bradley H. Jones, Jr. and Michael R. Knapik for legislation to require payment by certain prisoners of the Commonwealth. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1230* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act requiring payment by certain prisoners of the Commonwealth.

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

SECTION 1. Notwithstanding any general or special law to the contrary, any adult person committed to the state or county correctional facility, as defined in Section 1 of Chapter 125 of the General Laws, shall at the time of sentencing be interviewed by the Department of Probation for the purpose of determination of financial condition and indigency. Said interview shall be conducted in accordance with the provisions of Sections 27A through 27C of Chapter 261 of the General Laws. If the court finds the defendant not indigent, the court shall order in the minimum that the prisoner pay to the Commonwealth if committed to a state correctional facility or to the county of committed to a House of Correction, the sum of $2.00 (two dollars) per calendar day of incarceration to defray the costs of incarceration. The Commissioner of Correction or Sheriff or Superintendent of the facility in which the prisoner is incarcerated, shall no later than thirty days prior to the prisoner's release, prepare an accounting of sums owed to the Commonwealth or a county, but non-payment shall in no case be a condition of release of grounds for violation of probation or parole. The provisions of this Act shall not be applicable to prisoners determined to be pregnant, terminally ill or confined in a hospital during incarceration. Any party aggrieved by the determination of the court, Commissioner, Sheriff or Superintendent may appeal such determination in accordance with the provisions of Section 27D of Chapter 261 of the General Laws.