

SENATE . . . . . No. 2008

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 relative to juvenile life with parole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>

<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

**SENATE . . . . . No. 2008**

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Richard J. Ross, Donald F. Humason, Jr., James E. Timilty and other members of the General Court for legislation relative to juvenile life with parole . The Judiciary.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

An Act relative to juvenile life with parole.

*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 130 of chapter 127 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by adding the following subsection:-

3 (b) No prisoner sentenced to life in prison for murder in the first degree committed  
4 before the person had attained the age of 18 shall be granted a parole permit unless such prisoner  
5 proves beyond a reasonable doubt the following:

6 (i) the prisoner did not exhibit the level of maturity and sense of responsibility of a  
7 typical adult at the time of the offense;

8 (ii) the offense is not evidence of a depraved character; and

9 (iii) the nature of the crime and circumstances of the offense demonstrate that continued  
10 imprisonment is unwarranted and disproportional.

11 SECTION 2. Section 133A of chapter 127 of the General Laws, as appearing in the 2012  
12 Official Edition, is hereby amended, in line 5, by inserting after the word “degree” the following  
13 words:-

14 who had attained the age of 18 years at the time of the murder,

15 SECTION 3. Section 133C of chapter 127 of the General Laws, as appearing in the 2012  
16 Official Edition, is hereby amended, in line 6, by inserting after the “degree” the following  
17 words:-

18           who had attained the age of 18 years at the time of the murder,

19           SECTION 4. Section 2 of Chapter 265 of the General Laws, as appearing in the 2012  
20 Official Edition, is hereby amended by striking the first and second sentence and inserting in  
21 place thereof the following sentence:-

22           Whoever is guilty of murder committed with deliberately premeditated malice  
23 aforethought or with extreme atrocity or cruelty or otherwise guilty of murder in the first degree,  
24 and who had attained the age of 18 years at the time of the murder, shall be punished by  
25 imprisonment in the state prison for life.

26           SECTION 5. Said section 2 of said chapter 265 of the General Laws, as so appearing, is  
27 hereby further amended, in line 9, by inserting after the word “person”, the following words:-

28           , who had attained the age of 18 years at the time of the murder,

29           SECTION 6. Said section 2 of said chapter 265 of the General Laws, as so appearing, is  
30 hereby further amended, in line 12, by inserting after the word “degree” the following words:-

31           and those serving a life sentence for murder in the first degree committed before the  
32 person had attained the age of 18 years at the time of the murder shall be eligible for parole at the  
33 expiration of the minimum term fixed by the court

34           SECTION 7. Section 24 of chapter 279 of the General Laws, as appearing in the 2012  
35 Official Edition, is hereby amended by adding the following sentence:-

36           In the case of a sentence to life imprisonment for murder in the first degree committed  
37 before the person had attained the age of 18 years at the time of the murder, the court shall fix a  
38 minimum term of 35 years.