

SENATE No. 817

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 criminal sentencing.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

First Essex and Middlesex

Bradley H. Jones, Jr.

20th Middlesex

SENATE No. 817

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 817) of Bruce E. Tarr and Bradley H. Jones, Jr. for legislation relative to criminal sentencing. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to criminal sentencing.

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 said chapter 127 of the General Laws, as appearing in the
2 2010 Official Edition, is hereby further amended by striking out, in line 8, the words “and shall
3 be available to the public” and inserting in place thereof the following words:- , be available to
4 the public and, to the extent reasonably practicable, be available for public inspection on the
5 internet; provided, however, that if not practicable, the board shall make available on the internet
6 the reasons it was not practicable.

7 SECTION 2. Section 25 of chapter 279 of the General Laws, as appearing in the 2010
8 Official Edition, as amended by section 47 chapter 192 of the acts of 2012, is hereby amended
9 by striking out subsection (b) and inserting in place thereof the following subsection:-

10 (b) Whoever: (i) has been convicted 2 times previously of 1 or more of the following
11 offenses: section 131M of chapter 140; section 1, 13 or 13½, subsection (b) of section 13A,
12 section 13B, 13B½, 13B¾, 13F, 13H, 13J, 13K, 14 or 15, subsection (a) or (c) of section 15A,
13 subsection (b) of section 15C, 15D, 16, 17, 18, 18A, 18B or 18C, section 21, 21A, 22, 22A, 22B,
14 22C, 23A, 23B, 24, 24B, 26, 26B, 26C or 28, subsection (b) of section 39 or subsection (b) or (c)
15 of section 43 of chapter 265, section 1, 14, 17, 18, 102, 102A, 102B or 102C of chapter 266,
16 section 10, 10E or subsection (e) of section 12F of chapter 269 or section 3, 4A, 13, 17, 29A,
17 29B, 29C, 35A or subsection (b) of section 53A of chapter 272, or has been convicted 2 times
18 previously of a like violation of the laws of another state, the United States or a military,
19 territorial or Indian tribal authority, arising out of charges separately brought and tried, and
20 arising out of separate and distinct incidents that occurred at different times, where the second
21 offense occurred subsequent to the first conviction; (ii) has served at least 1 day of incarceration
22 for each of the prior 2 convictions; and (iii) does not show that he has been pardoned for either

23 prior offense on the ground that he was innocent shall, upon conviction of 1 of the enumerated
24 offenses in clause (i), if the offense occurred subsequent to the second conviction, be considered
25 a habitual criminal and punished by imprisonment in the state prison for the maximum term
26 provided by law. No sentence imposed under this section shall be reduced or suspended nor shall
27 such person so sentenced be eligible for probation, parole, work release or furlough or receive
28 any deduction from such person's sentence for good conduct. A sentence imposed under this
29 section shall run from and after any sentence the defendant is serving at the time of sentencing.