

SENATE No. 773

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 to expand sentencing options.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/2/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2017</i>

SENATE No. 773

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 773) of William N. Brownsberger, Denise Provost and Jay R. Kaufman for legislation to expand sentencing options. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to expand sentencing options.

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 133 of chapter 127 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out the last sentence.

3 SECTION 2. Said chapter 127 is hereby further amended by inserting after section 133B
4 the following section:-

5 Section 133B 1/2. The parole board shall, within 60 days before the expiration of two-
6 thirds of a committed sentence of a prisoner sentenced under section 24A of chapter 279, and
7 thereafter at least once in each ensuing 1 year period, consider carefully and thoroughly the
8 merits of releasing such person on parole. After such consideration, the parole board may grant
9 to such prisoner a parole permit to be at liberty upon such terms and conditions as it may
10 prescribe for the unexpired, committed term of his sentence. Such terms and conditions may be
11 revised, altered and amended, and may be revoked by the parole board at any time. If the terms
12 and conditions prescribed by the board include residence in alcohol and drug free housing, the

13 board shall refer and require that the holder of the permit reside in alcohol and drug free housing
14 that is certified pursuant to section 18A of chapter 17 in order to satisfy those terms and
15 conditions. The violation by the holder of such permit of any of its terms or conditions, or of any
16 law of the commonwealth, shall render such permit void, and thereupon, or if such permit has
17 been revoked, the parole board may order his arrest and his return to prison, in accordance with
18 the provisions of section one hundred and forty-nine. The period which must be served before
19 such prisoner becomes eligible for parole shall be calculated with deductions applicable to other
20 sentences for good conduct.

21 SECTION 3. Section 24 of said chapter 279, as so appearing, is hereby amended by
22 striking out, in lines 1 to 2, the words “an habitual criminal” and inserting in place thereof the
23 following words:- under sections 24A or 25.

24 SECTION 4. Said chapter 279 is hereby further amended by inserting after section 24
25 the following section:-

26 Section 24A. Notwithstanding section 24, when a person is convicted of (i) a single
27 offense, or (ii) two or more offenses and may not be placed on probation in lieu of a sentence for
28 at least one of those offenses, the superior court may impose a sentence to the state prison for a
29 definite term, provided that the court must suspend that definite sentence in part and require the
30 person so sentenced to be placed on probation with appropriate conditions for a term ordered by
31 the court upon release from incarceration and provided further that neither the committed portion
32 of the definite sentence nor the suspended portion of the definite sentence may be less than one
33 year.