

HOUSE No. 3447

The Commonwealth of Massachusetts

PRESENTED BY:

Paul F. Tucker

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 regarding probation violations.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------|-----------------------|
| <i>Paul F. Tucker</i> | <i>7th Essex</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> |

HOUSE No. 3447

By Mr. Tucker of Salem, a petition (accompanied by bill, House, No. 3447) of Paul F. Tucker and Timothy R. Whelan relative to probation violations. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act regarding probation violations.

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. Section 3 of chapter 279 of the General Laws, as so appearing, is hereby
4 amended by striking out the third sentence and inserting in place thereof the following 4
5 sentences:-

6 If such suspended sentence is to the state prison and is revoked, the sentence shall be in
7 full force and effect. If such suspended sentence is to the house of correction and is revoked, the
8 court shall have discretion to impose (i) the full term of the suspended sentence; or (ii) a portion
9 of the suspended sentence with the remaining balance suspended. If the court imposes a portion
10 of the suspended sentence, then the remaining balance of the suspended sentence and the length
11 of time for which the balance is suspended shall be reduced by the time served on revocation. If

- 12 the court imposes less than the full term of the suspended sentence, the court shall also have
- 13 discretion to revise the conditions of probation.