

HOUSE No. 1663

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 restoring the furlough program for incarcerated persons.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|--------------------|------------------|
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>2/18/2021</i> |

HOUSE No. 1663

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 1663) of Russell E. Holmes relative to furlough programs for incarcerated persons. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3609 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act restoring the furlough program for incarcerated persons.

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. Chapter 127 of the General Laws is hereby amended by striking out section
2 90A and inserting in place thereof the following section:-

3 Section 90A. (a) The commissioner may extend the limits of the place of confinement of
4 a committed offender at any state correctional facility by authorizing such committed offender
5 under prescribed conditions to be away from such correctional facility but within the
6 commonwealth for a specified period of time, not to exceed 14 days during any 12 month period
7 nor more than 7 days at any one time.

8 (b) Such authorization may be granted for any of the following purposes: (i) to attend the
9 funeral of a relative; (ii) to visit a critically ill relative; (iii) to obtain medical, psychiatric,
10 psychological or other social services when adequate services are not available at the facility and

11 cannot be obtained by temporary placement in a hospital under sections one hundred and
12 seventeen, one hundred and seventeen A, and one hundred and eighteen; (iv) to contact
13 prospective employers; (v) to secure a suitable residence for use upon release on parole or
14 discharge; (vi) for any other reason consistent with the reintegration of a committed offender into
15 the community. For the purposes of this section the word “relative” shall mean the committed
16 offender’s father, mother, child, brother, sister, husband or wife and, if the committed offender’s
17 grandparent, uncle, aunt or foster parent acted as the committed offender’s parent in rearing such
18 committed offender, it shall also mean such grandparent, uncle, aunt or foster parent.

19 (c) A committed offender who is serving a life sentence or a sentence in a state
20 correctional facility for violation of section thirteen, thirteen B, 13B ½, 13B ¾, fourteen, fifteen,
21 fifteen A, fifteen B, sixteen, seventeen, eighteen, eighteen A, nineteen, twenty, twenty-one,
22 twenty-two, twenty-two A, 22B, 22C, twenty-three, 23A, 23B, twenty-four, twenty-four B,
23 twenty-five or section twenty-six of chapter two hundred and sixty-five, or section seventeen,
24 thirty-four, thirty-five, or section thirty-five A of chapter two hundred and seventy-two, or for an
25 attempt to commit any crime referred to in said sections may be eligible for such authorization
26 pursuant to subsections (a) and (b) upon the recommendation of the superintendent on behalf of a
27 particular committed offender and upon the approval of the commissioner. The administrator of a
28 county correctional facility may grant like authorization to a committed offender in such facility.

29 (d) A person away from a correctional facility pursuant to this section may be
30 accompanied by an employee of the department, in the discretion of the commissioner, or an
31 officer of a county correctional facility, in the discretion of the administrator.

32 (e) Any expenses incurred under the provisions of this section may be paid by the
33 correctional facility in which the committed offender is committed. A committed offender shall,
34 during the committed offender's absence from a correctional facility under this section, be
35 considered as in the custody of the correctional facility and the time of such absence shall be
36 considered as part of the term of sentence.

37 SECTION 2. Said chapter 127 is hereby further amended by striking out sections 83A
38 and 83B and inserting in place thereof the following 2 sections:-

39 Section 83A. The commissioner is hereby authorized to establish, on land under the
40 control of the department of environmental management or of the metropolitan district
41 commission and upon sites approved by the commissioner of conservation and recreation, camps
42 to which male prisoners, including male prisoners sentenced to life who have served 8 years may
43 be removed for employment, as designated and approved by the commissioner of conservation
44 and recreation, in reforestation, maintenance and development of state forests, who have shown
45 by their conduct and disposition that they would be amenable to less rigorous discipline and
46 would benefit from work in the open air; provided, however, that only one such camp may be
47 established on land within the urban parks district. Before any site for any such camp shall be
48 approved, a public hearing shall be held by the commissioner of conservation and recreation, in a
49 city or town situated within a radius of ten miles of the proposed site.

50 Section 83B. The commissioner may remove to any camp so established any prisoner
51 held in a correctional institution of the commonwealth except the Massachusetts Correctional
52 Institution, Framingham, and sentenced prisoners in jails and houses of correction, including
53 male prisoners sentenced to life who have served 8 years, except a prisoner serving a sentence

54 imposed for violation of sections twenty-two, 22A, 22B, 22C, twenty-three, 23A, 23B and
55 twenty-four of chapter two hundred and sixty-five and for attempt to commit a crime referred to
56 in said sections, who, in his judgment, may properly be so removed and may at any time return
57 such prisoners to the prison from whence removed. Prisoners so removed shall be entitled to a
58 permit to be at liberty as provided under the provisions of sections 128 and 133 of chapter 127.

59 If a prisoner escapes or attempts to escape from a prison camp all deductions from the
60 sentence he is then serving shall be thereby forfeited. A prisoner who is entitled to have the term
61 of his imprisonment reduced shall receive from the parole board a certificate of discharge and
62 shall be released from the prison camp on the date which has been determined by such additional
63 deduction from the maximum term of his sentence or sentences.

64 SECTION 3. Said chapter 127 is hereby further amended by striking out section 97 and
65 inserting in place thereof the following section:-

66 Section 97. The commissioner may transfer any sentenced prisoner from one correctional
67 institution of the commonwealth to another, and with the approval of the sheriff of the county
68 from any such institution except a prisoner who has not served at least 8 years of a life sentence
69 to any jail or house of correction, or a sentenced prisoner from any jail or house of correction to
70 any such institution except the Massachusetts Correctional Institution, Cedar Junction, or from
71 any jail or house of correction to any other jail or house of correction. Prisoners so removed shall
72 be subject to the terms of their original sentences and to the provisions of law governing parole
73 from the correctional institutions of the commonwealth.