

HOUSE No. 1794

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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 prevent the imposition of mandatory minimum sentences based on juvenile adjudications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/16/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/16/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/23/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/7/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/8/2021</i>

<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/8/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>5/5/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>10/18/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>12/1/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>1/13/2022</i>

HOUSE No. 1794

By Ms. Miranda of Boston, a petition (accompanied by bill, House, No. 1794) of Liz Miranda and others for legislation to prevent the imposition of mandatory minimum sentences based on juvenile adjudication. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1517 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to prevent the imposition of mandatory minimum sentences based on juvenile adjudications.

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 10G of chapter 269, as appearing in the 2018 Official Edition, is
2 hereby amended by striking out, in lines 36 and 37, the words “have the meaning set forth in
3 section 121 of chapter 140” and inserting in place thereof the following words:- shall mean any
4 crime punishable by imprisonment for a term exceeding 1 year that: (i) has an element the use,
5 attempted use or threatened use of physical force or a deadly weapon against the person of
6 another; (ii) is burglary, extortion, arson or kidnapping; or (iii) involves the use of explosives.

7 SECTION 2. Said section 10G of said chapter 269, as so appearing, is hereby amended
8 by adding the following sentence to the end thereof:- (f) For purposes of this section, any type of
9 juvenile adjudication shall not be considered a prior conviction and shall not be used as a prior

10 predicate conviction that triggers, when an adult, an enhanced sentence. For purposes of this
11 subsection, a juvenile adjudication shall include, but not be limited to, a delinquent child or
12 youthful offender adjudication, a juvenile adjudication in another jurisdiction, or an adult
13 conviction in another jurisdiction that would be a juvenile adjudication in the commonwealth.

14 SECTION 3. Notwithstanding any general or special law to the contrary, any person
15 currently serving a sentence pursuant to section 10G of chapter 269, including being on
16 probation or parole, where a juvenile adjudication, including but not limited to, a delinquent
17 child or youthful offender adjudication, a juvenile adjudication in another jurisdiction, or an
18 adult conviction in another jurisdiction that would be a juvenile adjudication in the
19 commonwealth, has been used as a prior predicate conviction, then such person shall be
20 resentenced without that juvenile adjudication being used as a prior predicate conviction. If a
21 defendant is resentenced under this section, the sentence shall not be increased in length of
22 committed time, probation, or parole.