

HOUSE No. 1634

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Lipper-Garabedian

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 judicial discretion for probation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>1/19/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/7/2023</i>

HOUSE No. 1634

By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 1634) of Kate Lipper-Garabedian and Jason M. Lewis relative to judicial discretion for probation. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1748 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to judicial discretion for probation.

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 87 of chapter 276 of the General Laws is hereby amended by
2 adding the following paragraph:-

3 “A judge may exercise discretion in placing a defendant on probation and consider the
4 following:

5 (i) age;

6 (ii) nature of the defendant’s military service, if any;

7 (iii) education;

8 (iv) injuries or wounds sustained;

- 9 (v) military discipline record, if the defendant served in the military;
- 10 (vi) past and current medical status;
- 11 (vii) family and medical psychological reports;
- 12 (viii) nature of past criminal convictions, if any;
- 13 (ix) age of previous criminal convictions, if any;
- 14 (x) employment status;
- 15 (xi) arrest record;
- 16 (xii) nature of current criminal matter and, if violent, the nature and extent of any injuries
17 to the victim and the relationship of victim to defendant;
- 18 (xiii) the availability of family and community support systems;
- 19 (xiv) the proposed probation terms; and
- 20 (xv) any other facts or circumstances having a bearing on pre-trial probation."