

HOUSE No. 1738

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 establishing presumptive parole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/20/2023</i>

HOUSE No. 1738

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 1738) of David M. Rogers relative to establishing presumptive parole using structured, actuarially-based guidelines. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1848 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act establishing presumptive parole.

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 130 of chapter 127 of the General Laws, as amended by St.2018, c.
2 72, § 6, eff. Jan. 13, 2019, is hereby amended by striking the first four sentences and inserting in
3 place thereof the following paragraphs:-

4 Unless the board determines by clear and convincing evidence that, if the prisoner is
5 released with appropriate conditions and community supervision, the prisoner will not live and
6 remain at liberty without violating the law, a parole permit shall be granted at a prisoner's first
7 date of parole eligibility and at any subsequent review hearing. The parole board shall make this
8 determination using structured, actuarially-based parole guidelines and the findings of a
9 validated risk and needs assessment tool, both of which must consider the prisoner's
10 participation in available work opportunities, educational opportunities and treatment programs

11 and the prisoner's demonstrated good behavior. The board shall also consider whether risk
12 reduction programs, made available through collaboration with criminal justice agencies or with
13 the Department of Mental Health or Department of Public Health, and other aspects of the
14 prisoner's parole plan would minimize the probability of the prisoner re-offending once released.

15 For any prisoner with a disability, the parole board must consider whether provision of
16 reasonable accommodations will enable the prisoner to live and remain at liberty without
17 violating the law. If a prisoner has a disability that may impair the ability of the prisoner to be
18 successful on parole, the board shall schedule a psychological or medical examination to
19 ascertain and evaluate the nature of the risk posed by the disability and to identify any services,
20 supports, or programs that might mitigate the risk. The board shall consider the evaluation in
21 making its decision.

22 Upon issuance of a grant of parole to anyone who needs specialized care due to bodily
23 infirmity or disease and who is unable to secure a home plan, the parole board shall notify the
24 Commissioner of the Department of Public Health who shall secure a medically appropriate
25 placement for such prisoner within 60 days. No individual who has been granted parole shall
26 remain incarcerated for failure to secure an appropriate home plan.