

HOUSE No. 2397

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and 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 relative to parole review for aging incarcerated people.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/19/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/3/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/6/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/9/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/15/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/3/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/10/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/30/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>5/8/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>5/15/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>6/28/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>7/11/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>7/13/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/17/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>7/19/2023</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>8/14/2023</i>

<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>8/16/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>8/27/2023</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>10/4/2023</i>

HOUSE No. 2397

By Representative Sabadosa of Northampton and Senator Miranda, a joint petition (accompanied by bill, House, No. 2397) of Lindsay N. Sabadosa, Liz Miranda and others relative to parole review for aging incarcerated persons. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act relative to parole review for aging incarcerated people.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 127 of the MGL is amended by inserting Section 133F: Parole eligibility for
2 people aged 55 and older who have served at least half or 15 years of their sentence.

3 a) Notwithstanding any other section of law, when a person serving a sentence of
4 incarceration has served at least (i) one half of their minimum term of sentence, or (ii) one half of
5 their total aggregate sentence if serving multiple consecutive sentences, or (iii) one half of the
6 component sentence that carries the latest date if serving multiple concurrent sentences, or (iv)
7 fifteen years, whichever is less, and has reached the age of fifty-five, the parole board shall
8 schedule a hearing within sixty days of eligibility, i.e. the date of the person's fifty-fifth birthday
9 or the day that they meet the time served requirement of this subsection, whichever is later, to
10 determine whether such person should be granted a parole permit under section Chapter 127
11 Section 133A. The board must also give special consideration to the incarcerated person's

12 advanced age; long-term confinement; diminished physical or mental condition if any, and
13 reasonable accommodations for such conditions.

14 b) After such hearing the parole board may, by a vote of two-thirds of its members, grant
15 to such an incarcerated person a permit to be at liberty upon such terms and conditions as it may
16 prescribe for the unexpired term of his sentence. The parole board shall issue its decision within
17 two months of the hearing. If such permit is not granted, the parole board shall, at least once in
18 each ensuing two year period, consider carefully and thoroughly the merits of each such case on
19 the question of releasing such prisoner on parole and may, by a vote of two-thirds of its
20 members, grant such parole permit.

21 c) All decisions to grant or deny parole shall be made without bias pertaining to a
22 person's race, ethnicity, disability, religion, sexual orientation, or gender identity

23 d) The hearings required by this subsection shall be in addition to and not replace other
24 parole or medical parole eligibility.

25 e) If an incarcerated person is indigent, the incarcerated person shall have the right to
26 have appointed counsel at the parole hearing and shall have the right to funds for experts
27 pursuant to chapter 261.

28 f) The Parole Board shall file an annual report not later than March 1 for the prior fiscal
29 year with the clerks of the senate and the house of representatives, the senate and house
30 committees on ways and means, and the joint committee on the judiciary detailing: (i) the
31 number of incarcerated people in the custody of the department of correction or the sheriffs who
32 were eligible for parole under this section and the age, gender, race, ethnicity, and governing
33 offense of each person; (ii) the number of incarcerated people who have been granted parole

34 under this section and the age at the time of the hearing, gender, race and ethnicity, and
35 governing offense of each person; (iii) the number of incarcerated people who have been denied
36 parole under this section, the reason for the denial, and the age, gender, race and ethnicity, and
37 governing offense of each person; (iv) the number of incarcerated people eligible for parole
38 under this section who have had previous elder parole hearings; (vii) the number of incarcerated
39 people released under this section who have been returned to the custody of the department or
40 the sheriff and the reason for each prisoner's return. Nothing in this report shall include
41 personally identifiable information of incarcerated people.