

HOUSE No. 1766

The Commonwealth of Massachusetts

PRESENTED BY:

Priscila S. Sousa

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 regularizing sentencing for hate crimes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>1/20/2023</i>
<i>Marian Ryan</i>	<i>Middlesex District Attorney</i>	<i>1/20/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>12/18/2023</i>

HOUSE No. 1766

By Representative Sousa of Framingham, a petition (accompanied by bill, House, No. 1766) of Priscila S. Sousa and Marian Ryan relative to sentencing for hate crimes. The Judiciary.

The Commonwealth of Massachusetts

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

An Act regularizing sentencing for hate crimes.

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 37 of chapter 265 of the General Laws, as appearing in the 2021
2 official edition, is hereby amended by inserting after the words “or both” in line 7 the following:

3 “A person convicted or receiving a continuance without a finding under the provisions of
4 this section shall complete a diversity awareness program designed by the secretary of the
5 executive office of public safety in consultation with the Massachusetts commission against
6 discrimination and approved by the chief justice of the trial court, unless, upon good cause
7 shown, the court issues specific written findings describing the reason that such program should
8 not be ordered. If the court finds that the defendant was motivated by race, color, religion,
9 national origin, sexual orientation, gender identity, or disability, the court shall order such
10 program. A person so convicted or granted a continuance without a finding shall complete such
11 program prior to release from incarceration or prior to completion of the terms of probation,
12 whichever is applicable.”

SECTION 2: Subsection (b) of section 39 of chapter 265 of the General Laws, as appearing in the 2021 official edition, is hereby amended by striking the second paragraph.

Subsection (b) of section 39 of chapter 265 of the General Laws, as so appearing, is hereby further amended by inserting after the words “A person convicted” the following:

“or receiving a continuance without a finding”

Subsection (b) of section 39 of chapter 265 of the General Laws, as so appearing, is hereby further amended by inserting after the words “A person so convicted” the following:

“or granted a continuance without a finding”