

**HOUSE . . . . . No. 2029**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Andres X. Vargas*

*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 eliminate standard conditions in probation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/16/2025</i>

**HOUSE . . . . . No. 2029**

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 2029) of Andres X. Vargas for legislation to eliminate standard conditions in probation. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1804 OF 2023-2024.]

**The Commonwealth of Massachusetts**

In the One Hundred and Ninety-Fourth General Court  
(2025-2026)

An Act to eliminate standard conditions in 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 87A of Chapter 276 of the General Laws is hereby amended by  
2 inserting after the first paragraph the following paragraph:-

3 All probation shall be presumed administrative and no condition of probation shall be  
4 ordered unless that condition specifically addresses the particular characteristics of the person  
5 and the crime for which probation is ordered. The judge must consider whether any condition  
6 ordered would have a rehabilitative effect or serve a legitimate public safety goal based on  
7 current criminal recidivism and rehabilitation research with clear and convincing evidence.

8 SECTION 2. Chapter 276 of the General Laws is hereby amended by inserting after  
9 section 87B the following section:-

10           Section 87BB. (a) The period of probation or suspension of sentence under section 87 of  
11 Chapter 276 shall be fixed by the court subject to the provisions of this section. Any probation or  
12 suspension of sentence may be terminated by the court at any time and upon such termination or  
13 upon termination by expiration of the term, an order to this effect shall be entered by the court.

14           (b) The maximum length of any period of probation or suspension of sentence shall be  
15 limited to:

16           (1) Three years, for any felony;

17           (2) One year, for any misdemeanor.

18           (c) Any offender who is serving more than 1 sentence of probation or suspension of  
19 sentence imposed following convictions in more than 1 case shall not serve a consecutive period  
20 of probation or suspension of sentence that is in excess of the limitations imposed by subsection  
21 (b) of this section. Any sentence of probation or suspension of sentence (or any portion thereof)  
22 which, if served consecutively to another such sentence, would result in an aggregate sentence of  
23 probation or suspension of sentence in excess of the limitations imposed by subsection (b) of this  
24 section shall be deemed to be concurrent to such other sentence. The provisions of this  
25 subsection shall not apply to a sentence imposed for a conviction involving an offense committed  
26 while the offender was serving a period of probation or suspension of sentence. Periods of  
27 committed time shall not count toward the aggregate time limit on probation or suspension of  
28 sentence supervision.

29           (d) The limitations set forth in subsections (b) and (c) of this section shall not apply:

30 (1) To any sentence imposed for a conviction of any sex offense under G.L. c. 6 178C if  
31 the sentencing court determines on the record that a longer period of probation or suspension of  
32 sentence will reduce the likelihood that the offender will commit a sex offense or other violent  
33 offense in the future; and best meets public safety and individual rehabilitative needs.

34 (2) To any sentence imposed for any offense if the sentencing court determines on the  
35 record that a longer period of probation or suspension of sentence is necessary to ensure the  
36 collection of any restitution ordered, except that any period of probation ordered pursuant to this  
37 paragraph that is in excess of the limitations set forth in subsections (b) and (c) of this section  
38 shall be administrative only.

39 (e) The limitations set forth in subsection (b) and (c) of this section may be exceeded by  
40 up to 90 days by the sentencing court if it determines that the defendant has not yet completed a  
41 substance use treatment program ordered by the court, provided, that each extension of sentence  
42 ordered pursuant to this subsection shall be preceded by a hearing, and by a finding on the  
43 record, that such extension of sentence is necessary to facilitate the completion of the substance  
44 abuse treatment program. Nothing in this section shall prohibit a court from terminating  
45 probation without completion of a substance use treatment program.

46 (f) Except as provided by subsection (g) of this section, in no event shall the total period  
47 of probation or suspension of sentence exceed the maximum term of commitment provided by  
48 law.