

SENATE No. 1084

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 promoting fairness in parole.

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No. 1084

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1084) of James B. Eldridge for legislation to promote fairness in parole. The Judiciary.

The Commonwealth of Massachusetts

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

An Act promoting fairness in 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 Chapter 127 of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by striking out section 149A and inserting in place the following section:-

3 (a) (1) If a parole officer believes that there exists probable cause that a parolee has
4 allegedly violated a condition of release, they may with the consent of a parole supervisor or
5 other superior officer, issue a warrant for the temporary custody of the parolee if the alleged
6 violation includes one or more of the following acts: (i) the intentional unauthorized removal of a
7 GPS monitoring device; (ii) making contact with a victim of crime in connection with the
8 parolee’s criminal offense or their household member as defined in section 1 of chapter 209A; or
9 (iii) violation of an abuse prevention order issued pursuant to chapter 209A or a harassment
10 prevention order issued pursuant to chapter 258E; or (iv) making plans to imminently flee the
11 commonwealth.

12 (2) If a parole officer reasonably believes that there exists probable cause that a parolee
13 has allegedly violated the conditions of their parole based on an allegation not specified in the
14 first paragraph, the parole officer may, with the consent of a parole supervisor or other superior
15 officer, make a written request to a single member of the parole board to issue a warrant for the
16 temporary custody of the parolee if the single member of the parole board finds that there is
17 probable cause that the parolee has violated the conditions of their parole. The single member of
18 the parole board may issue a warrant for the temporary custody of the parolee if the single
19 member of the parole board finds that there is probable cause that the parolee has violated the
20 conditions of their parole.

21 (3) The parole board may withdraw the warrant for temporary custody and such
22 withdrawal shall not affect the validity of any subsequent warrants issued. Upon the withdrawal
23 of said warrant, the time from the issuance of the warrant until the withdrawal shall be
24 considered as part of the original sentence.

25 (4) The warrant shall constitute sufficient authority to a parole officer and to the
26 superintendent, jailer or any other person in charge of any jail, house of correction, lockup, or
27 place of detention to whom it is exhibited to hold in temporary custody the parolee retaken
28 pursuant thereto.

29 (b) (1) Not later than 15 days after a parolee is placed in temporary custody a hearing
30 officer shall hold a preliminary evidentiary hearing to determine whether a parolee has violated a
31 condition of parole. If the hearing officer finds by a preponderance of the evidence that a
32 violation has occurred, the hearing officer shall order that the parolee remain in custody pending
33 a final revocation hearing of the parole board after considering the following factors: (i) the

34 nature and seriousness of the violation; (ii) if there is a connection between the violation of
35 parole and the underlying offense that the parolee committed; (iii) the parolee's prior criminal
36 record; and (iv) the protection of the public, a victim of crime in connection with the parolee's
37 criminal offense or their household member as defined in section 1 of chapter 209A.

38 (2) The hearing officer shall issue a decision within 48 hours of the preliminary hearing.

39 (c) The detention of a parolee may be further regulated by the rules of the parole board.