

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1848

TITLE: An Act relative to judicial discretion for probation

SPONSOR: Rep. Kate Lipper-Garabedian

COSPONSORS: None

HEARING DATE: June 3, 2025

PRIOR HISTORY: H1634 (2023-2024)
H1748 (2021-2022)

SENATE BILLS: S1162 (Lewis)

CURRENT LAW: Section 87 of Chapter 276 of the General Laws allows the Superior, District and Juvenile Courts to place those who are pretrial, convicted or when deemed proper on probation with conditions it deems proper. There is an exception for those persons 18 or older who have committed certain offenses.

Section 87A of Chapter 276 of the General Laws lists the permitted conditions of probations which may be imposed by a Court including rehabilitative programs, community service and substance use housing. It prohibits a probation violation solely based on the possession or use of a prescribed substance or medical marijuana.

BILL SUMMARY: Section 1 - Amends Section 87 of Chapter 276 to add specified considerations for a judge to make when placing a defendant on probation: (i) age; (ii) nature of the defendant's military service, if any; (iii) education; (iv) injuries or wounds sustained; (v) military discipline record, if defendant served in military; (vi) past and current medical status; (vii) family and medical psychological reports; (viii) nature of past criminal convictions, if any; (ix) age at the time of previous criminal convictions, if any; (x) employment status; (xi) arrest record; (xii) nature of current criminal matter and if violent, nature and extent of injuries and relationship of victim to defendant; (xiii) availability of family and community support systems; (xiv) proposed probation terms; and (xv) any other facts or circumstances bearing on pre-trial probation.