



# The Commonwealth of Massachusetts

JOINT COMMITTEE ON THE JUDICIARY

STATE HOUSE, BOSTON 02133

## Joint Committee on the Judiciary Public Hearing Notice

Rep. Michael S. Day  
House Chair

Sen. Lydia Edwards  
Senate Chair

**Date of Hearing:** Tuesday, June 3, 2025

**Time:** 1:00 PM-5:00 PM

**Location:** A-2 and Virtual

**Chair:** Senator Lydia Edwards

The Chair will limit testimony to two minutes per individual and reserves the right to call public officials out of turn. The public is invited to participate in this hearing, which will be livestreamed on the Legislature's website. To register to testify virtually, you must provide contact information on this [linked form](#) by **5:00 p.m. on June 1, 2025**. Once registered, you will receive further instruction on how to participate. All those wishing to testify in person may sign up on the day of the hearing but are encouraged to sign up ahead of time at the link above.

Written testimony may be submitted by mail to the Joint Committee on the Judiciary at 24 Beacon Street, Room 136, Boston, MA 02133 or by email to [kyle.fields@masenate.gov](mailto:kyle.fields@masenate.gov). All written testimony received by the Committee will be made publicly available, provided however, the Chairs may limit and redact testimony that includes sensitive personal information or information that may jeopardize the health, wellness or safety of the testifier or others.

Bill Number	Bill Sponsor	Bill Name
H1594	Blais, Natalie M. (HOU)	An Act relative to controlling and abusive litigation
H1622	Connolly, Mike (HOU)	An Act removing barriers to justice in the workplace
H1630	Cusack, Mark J. (HOU)	An Act relative to the examination of evidence rooms and evidentiary procedures
H1636	Day, Michael S. (HOU)	An Act relative to clarity and consistency for the Justice Reinvestment Oversight Board
H1640	Day, Michael S. (HOU)	An Act to modernize the roles and responsibilities of the victim and witness assistance board
H1642	Day, Michael S. (HOU)	An Act concerning the arrest without a warrant of persons on probation and temporary custody

H1655	Decker, Marjorie C. (HOU)	An Act to promote victim service funding
H1690	Fiola, Carole A. (HOU)	An Act relative to authorizing electronic signatures for criminal complaints
H1727	González, Carlos (HOU)	An Act relative to increasing racial diversity among judges in Massachusetts
H1739	Hamilton, Ryan M. (HOU)	An Act relative to the designation of jury clerk in the Haverhill District Court
H1740	Hendricks, Christopher (HOU)	An Act to simplify the administrative aspect of evidentiary use of medical information
H1771	Hunt, Daniel J. (HOU)	An Act regarding probation violations
H1775	Jones, Jr., Bradley H. (HOU)	An Act establishing a self-defense exception
H1789	Jones, Jr., Bradley H. (HOU)	An Act relative to profits from crime
H1791	Jones, Jr., Bradley H. (HOU)	An Act establishing mandatory post release supervision in the Commonwealth
H1813	Keefe, Mary S. (HOU)	An Act promoting fairness in parole
H1826	LaNatra, Kathleen R. (HOU)	An Act relative to the transfer of the Victim Compensation Fund
H1827	LaNatra, Kathleen R. (HOU)	An Act relative to police reports involving railroad fatalities
H1848	Lipper-Garabedian, Kate (HOU)	An Act relative to judicial discretion for probation
H1894	Montaño, Samantha (HOU)	An Act promoting equity in traffic stops
H1902	Moran, John Francis (HOU)	An Act relative to the reliability of testifying informants
H1904	Moran, Michael J. (HOU)	An Act relative to criminal investigations
H1945	Ramos, Orlando (HOU)	An Act establishing a commission to study judicial accountability in the Commonwealth
H1960	Rogers, David M. (HOU)	An Act establishing presumptive parole
H1961	Rogers, David M. (HOU)	An Act relative to life without parole
H1965	Roy, Jeffrey N. (HOU)	An Act relative to compensation for victims of wrongful conviction
H2029	Vargas, Andres X. (HOU)	An Act to eliminate standard conditions in probation
H2030	Vargas, Andres X. (HOU)	An Act to implement recommendations of the Commission on structural racism in the parole process

H2052	Worrell, Christopher J. (HOU)	An Act to reduce mass incarceration
S1029	Barrett, Michael J. (SEN)	An Act to eliminate the public counsel fee
S1042	Collins, Nick (SEN)	An Act relative to life saving treatment
S1066	DiDomenico, Sal N. (SEN)	An Act addressing discriminatory police reporting
S1084	Eldridge, James B. (SEN)	An Act promoting fairness in parole
S1086	Eldridge, James B. (SEN)	An Act relative to judicial oversight
S1090	Fattman, Ryan C. (SEN)	An Act relative to dangerousness hearings
S1095	Fattman, Ryan C. (SEN)	An Act relative to the expungement of non-convictions
S1098	Fattman, Ryan C. (SEN)	An Act protecting real property from warrantless searches
S1106	Fernandes, Dylan A. (SEN)	An Act relative to police reports involving railroad fatalities
S1107	Finegold, Barry R. (SEN)	An Act relative to the designation of Jury Clerk in the Haverhill District Court
S1114	Friedman, Cindy F. (SEN)	An Act requiring clean slate automated record sealing
S2522	Friedman, Cindy F. (SEN)	An Act strengthening health care protections in the Commonwealth
S1124	Gomez, Adam (SEN)	An Act to remove collateral consequences and protect the presumption of innocence
S1125	Gomez, Adam (SEN)	An Act to modernize the roles and responsibilities of the victim and witness assistance board
S1128	Gomez, Adam (SEN)	An Act to implement recommendations of the commission on structural racism in the parole process
S1129	Gomez, Adam (SEN)	An Act to eliminate standard conditions in probation
S1132	Jehlen, Patricia D. (SEN)	An Act relative to compensation for victims of wrongful conviction
S1134	Jehlen, Patricia D. (SEN)	An Act relative to probation violations
S1135	Jehlen, Patricia D. (SEN)	An Act relative to authorizing electronic signatures for criminal complaints
S1139	Keenan, John F. (SEN)	An Act to restore the statute of limitations for deaths due to tobacco use
S1162	Lewis, Jason M. (SEN)	An Act relative to judicial discretion for probation
S1178	Miranda, Liz (SEN)	An Act to reduce mass incarceration

S1182	Miranda, Liz (SEN)	An Act promoting equity in traffic stops
S1205	Moore, Michael O. (SEN)	An Act relative to controlling and abusive litigation
S1216	O'Connor, Patrick M. (SEN)	An Act relative to the protection of police officers
S1229	O'Connor, Patrick M. (SEN)	An Act protecting honest employers by creating construction private attorney general actions
S1241	Payano, Pavel (SEN)	An Act relative to educational programming for incarcerated emerging adults
S1268	Tarr, Bruce E. (SEN)	An Act to enhance the authority of courts to protect public safety
S1272	Tarr, Bruce E. (SEN)	An Act relative to public safety, fiscal responsibility, and emergency assistance
S1273	Tarr, Bruce E. (SEN)	An Act relative to judicial authority to maintain election integrity
S1274	Tarr, Bruce E. (SEN)	An Act to strengthen rules governing attorney conduct; penalties for misconduct
S1276	Velis, John C. (SEN)	An Act relative to dangerousness hearings
S1285	Velis, John C. (SEN)	An Act ensuring an appropriate response to shoplifting

Please be advised that the schedule and agenda are subject to change at the discretion of the Chair.

The Committee must report on House bills considered during this hearing by August 2, 2025, subject to House Rule 27.

With any questions regarding specific House bills, please contact [Talia.Quinn@mahouse.gov](mailto:Talia.Quinn@mahouse.gov).

With any questions regarding specific Senate bills, please contact [Kyle.Fields@masenate.gov](mailto:Kyle.Fields@masenate.gov).

**HOUSE . . . . . No. 1594**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Natalie M. Blais*

*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 controlling and abusive litigation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/17/2025</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/6/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/6/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/6/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/3/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/3/2025</i>
<i>Homar Gómez</i>	<i>2nd Hampshire</i>	<i>3/5/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/5/2025</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/6/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/12/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>3/13/2025</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>3/13/2025</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>3/13/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>4/10/2025</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>4/10/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/10/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>4/10/2025</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>4/10/2025</i>

<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/10/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/10/2025</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>4/24/2025</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>4/24/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>5/20/2025</i>

**HOUSE . . . . . No. 1594**

By Representative Blais of Deerfield, a petition (accompanied by bill, House, No. 1594) of Natalie M. Blais and others relative to controlling and abusive litigation. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1399 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to controlling and abusive litigation.

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

1           The General Laws are hereby amended by inserting after chapter 209D the following  
2 chapter:-

3           Chapter 209E. Controlling and Abusive Litigation Prevention

4           Section 1. As used in this chapter, the following words shall, unless the context clearly  
5 requires otherwise, have the following meanings:

6           “Abuse”, as defined in section 1 of chapter 209A.

7           "Controlling and abusive litigation", litigation where the following apply:

8           (a)(i) The opposing parties have a current or former family or household member  
9 relationship;

10 (ii) The party who is filing, initiating, advancing or continuing the litigation has been  
11 found by a court to have committed abuse against the other party pursuant to an order entered  
12 under chapters 208, 209, 209A, 209C or 258E, or who is found after a hearing in the instant case,  
13 to have committed abuse or harassment against the other party that may have warranted the issue  
14 of an order under said chapters; and

15 (iii) The litigation is being initiated, advanced or continued primarily for the purpose of  
16 abusing, harassing, intimidating, threatening or maintaining contact with the other party; and

17 (b) At least 1 of the following factors apply:

18 (i) Claims, allegations or other legal contentions made in the litigation are not warranted  
19 by existing law or by a reasonable argument for the extension, modification or reversal of  
20 existing law, or the establishment of new law;

21 (ii) Allegations and other factual contentions made in the litigation are without the  
22 existence of evidentiary support; or

23 (iii) An issue or issues that are the basis of the litigation have previously been filed in 1 or  
24 more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably  
25 to the party filing, initiating, advancing or continuing the litigation.

26 "Family or household members", as defined section 1 of chapter 209A

27 "Harassment", as defined in section 1 of chapter 258E.

28 "Litigation", any kind of legal action or proceeding including, but not limited to:

29 (i) filing a summons, complaint, demand or petition;

30 (ii) serving a summons, complaint, demand or petition, regardless of whether it has been  
31 filed;

32 (iii) filing a motion, notice of court date, note for motion docket or order to appear;

33 (iv) serving a motion, notice of court date or order to appear, regardless of whether it has  
34 been filed or scheduled;

35 (v) filing a subpoena, subpoena duces tecum, request for interrogatories, request for  
36 production, notice of deposition or other discovery request; or

37 (vi) serving a subpoena, subpoena duces tecum, request for interrogatories, request for  
38 production, notice of deposition or other discovery request.

39 "Perpetrator of controlling and abusive litigation", a person who files, initiates, advances  
40 or continues litigation in violation of an order restricting controlling and abusive litigation.

41 Section 2. (a) A party to a case may request from the court an order restricting controlling  
42 and abusive litigation if the parties are current or former family or household members and one  
43 party has been found by the court to have committed abuse or harassment against the other party.

44 The request may be made in any form, including, but not limited to:

45 (1) in any answer or response to the litigation being filed, initiated, advanced or  
46 continued;

47 (2) by motion made at any time during any open or ongoing case;

48 (3) in an answer or response to any motion or request for an order; or

49 (4) orally in any hearing.

50 (b) Any court of competent jurisdiction may, on its own motion, determine that a hearing  
51 pursuant to section 3 is necessary to determine if a party is engaging in controlling and abusive  
52 litigation.

53 (c) The chief justice of the trial court shall create forms for the motion for order  
54 restricting controlling and abusive litigation and order restricting controlling and abusive  
55 litigation.

56 (d) No filing fee shall be charged to the unrestricted party for proceedings pursuant to this  
57 section regardless of whether it is filed pursuant to this chapter.

58 (e) The provisions of this section are nonexclusive and shall not affect any other remedy  
59 available.

60 Section 3. (a) If a party asserts that they are being subjected to controlling and abusive  
61 litigation, the court shall attempt to verify:

62 (1) that the parties are or previously were family or household  
63 members; and

64 (2) that the party raising the claim of controlling and abusive litigation has been found to  
65 be a victim of abuse or harassment by the other party or finds, after a hearing in the instant case,  
66 that said party has been a victim of abuse or harassment. If the court verifies that both elements  
67 are true or is unable to verify that they are not true, the court shall set a hearing to determine  
68 whether the litigation meets the definition of controlling and abusive litigation.

69 (b) At the time set for the hearing on the alleged controlling and abusive litigation, the  
70 court shall hear all relevant testimony and may require any affidavits, documentary evidence or  
71 other records the court deems necessary.

72 Section 4. (a) Evidence of any of the following presented at a hearing conducted pursuant  
73 to section 3 shall create a rebuttable presumption that litigation is being initiated, advanced or  
74 continued primarily for the purpose of harassing, intimidating or maintaining contact with the  
75 other party.

76 (1) The same or substantially similar issues between the same or substantially similar  
77 parties have been litigated within the past 5 years in the same court or any other court of  
78 competent jurisdiction;

79 (2) The same or substantially similar issues between the same or substantially similar  
80 parties have been raised, pled or alleged in the past 5 years and were dismissed on the merits or  
81 with prejudice;

82 (3) Within the last 10 years, the party allegedly engaging in controlling and abusive  
83 litigation has been sanctioned in 1 or more cases, petitions, motions or other filings that were  
84 found to have constituted controlling and abusive litigation, been found not to be supported by  
85 good grounds, interposed for the delay or found to be frivolous or brought in bad faith involving  
86 the same opposing party; or

87 (4) A court of record in another judicial district has determined that the party allegedly  
88 engaging in controlling and abusive litigation has previously engaged in controlling and abusive  
89 litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.

90 Section 5. (a) If the court finds by a preponderance of the evidence that a party is  
91 engaging in controlling and abusive litigation and that any or all of the motions or actions  
92 pending before the court are controlling and abusive litigation, the litigation shall be dismissed,  
93 denied, stricken or resolved by other disposition with prejudice.

94 (b) In addition to dismissal or denial of any pending controlling and abusive litigation  
95 within the jurisdiction of the court, the court shall enter an order restricting controlling and  
96 abusive litigation. The order shall:

97 (1) impose all costs of any controlling and abusive civil action pending in the court at the  
98 time of the court's finding pursuant to subsection (a) against the party advancing the controlling  
99 and abusive litigation, including, but not limited to, court costs, lost wages, transportation costs  
100 and costs of child care related to said civil action including trips to court to review files, files  
101 pleadings and appear for any type of hearing;

102 (2) award the other party reasonable attorneys' fees and costs of responding to the  
103 controlling and abusive litigation including the cost of seeking the order restricting controlling  
104 and abusive litigation; and

105 (3) identify the party protected by the order and impose prefiling restrictions upon the  
106 party found to have engaged in controlling and abusive litigation for a period of not less than 48  
107 months nor more than 72 months.

108 (c) If the court finds by a preponderance of the evidence that the litigation does not  
109 constitute controlling and abusive litigation, the court shall enter written findings and the  
110 litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the  
111 court's inherent authority to control the proceedings and litigants before it.

112 (d) The provisions of this section are nonexclusive and shall not affect any other remedy  
113 available to the person who is protected by the order restricting controlling and abusive litigation  
114 or to the court.

115 Section 7. (a) Except as provided for in this section, a person who is subject to an order  
116 restricting controlling and abusive litigation is prohibited from filing, initiating, advancing or  
117 continuing any litigation against the protected party for the period of time filing restrictions are  
118 in effect.

119 (b) A person who is subject to an order restricting controlling and abusive litigation and  
120 against whom pre-filing restrictions have been imposed pursuant to section 5 who wishes to  
121 initiate a new case or file a motion in an existing case during the time the person is under filing  
122 restrictions shall first appear before the judge who imposed the pre-filing restrictions or in front of  
123 any person designated by the judge to act in this capacity to make application for permission to  
124 institute the civil action.

125 (c)(1) The judge or a designee may examine witnesses, court records and any other  
126 available evidence to determine if the proposed litigation is controlling and abusive litigation or  
127 if there are reasonable and legitimate grounds upon which the litigation is based.

128 (2) If, based on reviewing the records as well as any evidence from the person who is  
129 subject to the order, the judge or designee determines the proposed litigation is controlling and  
130 abusive litigation, it shall not be necessary for the person protected by the order to appear or  
131 participate in the proposed litigation in any way. If the judge or designee is unable to determine  
132 whether the proposed litigation is controlling and abusive without hearing from the person  
133 protected by the order, then the court shall issue an order scheduling a hearing and notifying the

134 protected party of the party's right to appear and/or participate in the hearing. The order shall  
135 specify whether the protected party is expected to submit a written response. When possible, the  
136 protected party shall be permitted to appear virtually and provided with instructions for how to  
137 appear virtually.

138 (d)(1) If the judge or designee believes the litigation that the party who is subject to the  
139 order restricting controlling and abusive litigation is making application to file will constitute  
140 controlling and abusive litigation, the application shall be denied, dismissed or otherwise  
141 disposed with prejudice.

142 (2) If the judge reasonably believes that the litigation the party who is subject to the order  
143 restricting controlling and abusive litigation is making application to file will not be controlling  
144 and abusive litigation, the judge or designee may grant the application and issue an order  
145 permitting the filing of the case, motion or pleading. The party who is protected by the order  
146 shall be served with a copy of the order at the same time as the underlying pleading.

147 (e) The findings of the judge or designee shall be in writing and made a part of the record  
148 in the matter. If the party who is subject to the order restricting controlling and abusive litigation  
149 disputes the finding of a designee, the party may seek review by the judge. If the party disputes  
150 the finding of the judge, the party may seek review of the decision as provided by the applicable  
151 court rules.

152 (3) If the application for the filing of a pleading is granted pursuant to this section, the  
153 period of time commencing with the filing of the application requesting permission to file the  
154 action and ending with the issuance of an order permitting filing of the action shall not be

155 computed as a part of any applicable period of limitations within which the matter must be  
156 instituted.

157 (4) If, after a party who is subject to an order restricting controlling and abusive litigation  
158 and prefiling restrictions has made application and been granted permission to file or advance a  
159 case pursuant to this section, any judge hearing or presiding over the case, or any part thereof,  
160 determines that the person is attempting to add parties, amend the complaint or is otherwise  
161 attempting to alter the parties and issues involved in the litigation in a manner that the judge  
162 reasonably believes would constitute controlling and abusive litigation, the judge shall stay the  
163 proceedings and refer the case back to the judge or designee who granted the application to file,  
164 for further disposition.

165 (5)(a) If a party who is protected by an order restricting controlling and abusive litigation  
166 is served with a pleading filed by the person who is subject to the order restricting controlling  
167 and abusive litigation, and the pleading does not have an attached order allowing the pleading,  
168 the protected party may respond to the case by filing a copy of the order restricting controlling  
169 and abusive litigation.

170 (b) If it is brought to the attention of the court that a person subject to an order restricting  
171 controlling and abusive litigation and against whom prefiling restrictions have been imposed has  
172 filed a new case or is continuing an existing case without having been granted permission  
173 pursuant to this section, the court shall dismiss, deny or otherwise dispose of the matter. The  
174 court make take this action on its own motion or initiative. The court may take whatever action  
175 against the perpetrator of controlling and abusive litigation deemed necessary and appropriate for  
176 a violation of the order restricting controlling and abusive litigation.

177 (c) If a party who is protected by an order restricting controlling and abusive litigation is  
178 served with a pleading filed by the person who is subject to the order restricting controlling and  
179 abusive litigation, and the pleading does not have an attached order allowing the pleading, the  
180 protected party is under no obligation or duty to respond to the summons, complaint, petition,  
181 motion, answer interrogatories, appear for depositions or any other responsive action required by  
182 rule or statute in a civil action.

183 (6) If the judge or designee who imposed the prefiling restrictions is no longer serving in  
184 the same capacity in the same judicial district where the restrictions were placed, or is otherwise  
185 unavailable for any reason, any other judicial officer in that judicial district may perform the  
186 review required and permitted by this section.

**HOUSE . . . . . No. 1622**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mike Connolly and Natalie M. Higgins***

*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 removing barriers to justice in the workplace.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/16/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/16/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/11/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/9/2025</i>

**HOUSE . . . . . No. 1622**

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By Representatives Connolly of Cambridge and Higgins of Leominster, a petition (accompanied by bill, House, No. 1622) of Mike Connolly, Natalie M. Higgins and James K. Hawkins relative to workplace discrimination complaints. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1424 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act removing barriers to justice in the workplace.

*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 5 of Chapter 151B of the General Laws is hereby amended by striking out, in line
- 2 182, the words “300 days” and inserting in place thereof the following words: “3 years”.

**HOUSE . . . . . No. 1630**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mark J. Cusack***

*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 the examination of evidence rooms and evidentiary procedures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>1/16/2025</i>

**HOUSE . . . . . No. 1630**

By Representative Cusack of Braintree, a petition (accompanied by bill, House, No. 1630) of Mark J. Cusack relative to the examination of evidence rooms and evidentiary procedures. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1430 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to the examination of evidence rooms and evidentiary procedures.

*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. Chapter 276 of the General Law, as appearing in the 2022 Official Edition,  
2 is hereby amended by adding the following section:-

3 Section 104. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:

5 “Auditing entity”, a person, or an employee or department of the commonwealth, who is  
6 experienced and trained in evidence collection, storage and auditing, who is deemed qualified by  
7 the secretary to perform audits of a department’s evidence, property, and evidence and property  
8 room.

9           “Chief executive officer”, the chief executive officer or person in charge of each  
10 department.

11           “Department”, the Massachusetts state police, the Massachusetts Bay Transportation  
12 Authority police force, any police department in the commonwealth or any of its political  
13 subdivisions; any law enforcement council, as defined in section 4J of chapter 40, created by  
14 contract between or among cities and towns, pursuant to section 4A of said chapter 40; the  
15 environmental police appointed pursuant to chapter 21A; and any entity employing 1 or more  
16 special state police officers appointed pursuant to section 63 of chapter 22C.

17           “District attorney”, the district attorney or designee who has jurisdiction for prosecutions  
18 where a department is located.

19           “Evidence”, all items seized as a result of a police investigation that are physical,  
20 biological, digital or any other materials that have been collected for their potential evidentiary  
21 value during the investigation of a crime.

22           “Evidence and property custodian”, a person appointed by the chief executive officer or  
23 designee for the custody and operations of the department’s evidence and property room.

24           “Evidence and property room”, any area, including but not limited to, any room, vault,  
25 locker, or other repository, located within the legal control and jurisdiction of a department that  
26 contains any evidence or any property.

27           “Full audit”, a full review of all items of evidence and property from the particular  
28 evidence and property room log book, whether in electronic format or hard copy, to ensure that  
29 all evidence or property is located in the appropriate storage location in the particular evidence

30 and property room of each department. If evidence or property is stored off-site, the individual  
31 conducting the full audit shall contact the particular off-site location and ensure, in writing, that  
32 any item of evidence or property is at that particular location.

33 “Inspection”, a review of the evidence and property room and evidence and property  
34 handling procedures including, but not limited to: (1) ensuring department adherence to all  
35 security controls and evidence handling procedures; (2) verifying that the limited access control  
36 system to the evidence and property room functions properly; (3) ensuring the existence and  
37 accuracy of a list of department personnel authorized to access the evidence and property room  
38 or handle evidence or property; (4) ensuring general cleanliness of the evidence and property  
39 room; (5) ensuring manageable inventory levels within the evidence and property room; (6)  
40 ensuring evidence and property custodians have acceptable levels of aptitude and training; (7)  
41 inspecting all internal evidence and property room cameras, when applicable; and (8) ensuring  
42 the evidence and property room logs are operational and current.

43 “Municipal executive officer”, the manager in a city or town with a manager form of  
44 government; in other cities, the mayor; and in other towns, the board of selectmen.

45 “Property”, all items, other than evidence, in the custody of a department that are being  
46 stored because they were: (i) lost; (ii) abandoned; (iii) taken from a person under arrest by an  
47 employee of the department in their normal course of employment; or (iv) seized by the  
48 department for their connection to a potential crime.

49 “Purge”, the disposal, destruction or release of evidence or property at a singular time by  
50 a department.

51 "Random-sampling audit", a review and analysis of randomly selected items of evidence  
52 or property from the particular evidence and property room log book, whether in electronic  
53 format or hard copy, to ensure that the selected evidence or property is located in the appropriate  
54 storage location in the particular evidence and property room of each department. If evidence or  
55 property is stored off-site, the individual conducting the random-sampling audit shall contact the  
56 particular off-site location and ensure, in writing, that any randomly selected item of evidence or  
57 property is at that particular location. A random-sampling audit shall review the lesser of 10  
58 percent of the department's total number of items of evidence or property or 50 items of  
59 evidence or property, provided, however, that any department with fewer than 100 items of  
60 evidence or property shall review at least 10 items and any department with fewer than 10 items  
61 of evidence or property shall review all items.

62 "Secretary", secretary of the executive office of public safety and security.

63 (b) A random-sampling audit shall be conducted no less than annually at the direction of  
64 the chief executive officer.

65 The random-sampling audit shall be conducted by a department employee, provided that,  
66 the employee shall:

67 (1) not be the evidence and property custodian;

68 (2) not have specific oversight or responsibilities for the evidence or property being  
69 audited or the evidence and property room in which the items are stored; and

70 (3) not have conducted the required semi-annual inspections in paragraph (c).

71           If a department has an internal affairs division, a member of the internal affairs division  
72 shall perform the random-sampling audit.

73           A written report of the random-sampling audit shall be submitted to the chief executive  
74 officer and the municipal executive officer within 30 days of completion.

75           (c) A semi-annual inspection of the evidence and property room shall be conducted by  
76 the designated supervisor or the unit commander of the evidence and property room.

77           A written report of an inspection shall be submitted to the chief executive officer and the  
78 municipal executive officer within 30 days of completion.

79           (d) All written reports required by subsections (b) and (c) of this section shall be  
80 submitted to the secretary not later than January 30 of each year.

81           A department which fails to submit all reports to the secretary on or before January 30 of  
82 each year, shall be issued a written warning by the secretary, provided, however that the  
83 department shall be allowed an additional 60 days to submit the reports.

84           After 60 days, if the department fails to file the reports or refuses to comply, the  
85 department shall undergo a full audit of all the evidence and property stored and in the  
86 possession of the department as well as all evidence and property rooms under the legal control  
87 and jurisdiction of the department. The full audit shall be completed by a neutral auditing entity  
88 not affiliated with the department chosen by the chief executive officer from a list of qualified  
89 auditing entities provided by the secretary. The cost of the full audit shall be borne by the  
90 department. The chief executive officer and department shall have 30 days from the secretary's  
91 notice to select an auditing entity from the list provided.

92 A written report of the full audit shall be submitted to the secretary, the chief executive  
93 officer and the municipal executive officer within 30 days of completion.

94 (e) Once every 5 years a full audit of the evidence and property held by a department  
95 shall be completed by an employee of the department at the direction of the chief executive  
96 officer; provided, however the employee shall:

97 (1) not be the evidence and property custodian; and

98 (2) not have specific oversight or responsibilities for the evidence or property being  
99 audited or the evidence and property room in which these items are being stored.

100 A written report of the full audit shall be submitted to the secretary, the chief executive  
101 officer and the municipal executive officer within 30 days of completion.

102 If a department fails to conduct the required full audit or submit the full audit report in  
103 accordance with this subsection, the department shall undergo a full audit of all the evidence and  
104 property stored and in the possession of the department as well as all evidence and property  
105 rooms under the legal control and jurisdiction of the department. The full audit shall be  
106 completed by a neutral auditing entity not affiliated with the department chosen by the chief  
107 executive officer from a list of qualified auditing entities provided by the secretary. The cost of  
108 the full audit shall be borne by the department. The chief executive officer and department shall  
109 have 30 days from the secretary's notice to select an auditing entity from the list provided.

110 A written report of the full audit shall be submitted to the secretary, the chief executive  
111 officer and the municipal executive officer within 30 days of completion.

112           Upon the transfer, resignation or replacement of the chief executive officer, the chief  
113 executive officer currently in charge shall order a full audit of the evidence and property held by  
114 a department. This full audit shall reset the 5 year timeline of the mandatory full audit and the 5  
115 year timeline shall begin after the completion of the full audit conducted pursuant to this  
116 paragraph.

117           (f) All moneys seized by a department as evidence or within the course of an  
118 investigation, shall be deposited into an interest bearing account held by the department, except  
119 if the moneys physically hold evidentiary value as determined by the department or the district  
120 attorney. The moneys shall be kept in the account until otherwise instructed by the court. All  
121 moneys deposited shall be recorded, including but not limited to, the time, date, account number,  
122 denomination of the moneys, person depositing the moneys, institution where the account is  
123 held, case number associated with the moneys and origin of the moneys. A written report of all  
124 moneys held by the department shall be submitted annually to the secretary, the chief executive  
125 officer, the municipal executive officer and the district attorney on or before January 30 of each  
126 year.

127           (g) (1) Any evidence or property that is disposed of, returned, auctioned or no longer in  
128 custody of the department shall be recorded. The records shall be made available to any  
129 governmental entity that needs to view the records for legal, official or other public safety or  
130 health reasons.

131           A department which completes a purge of the evidence or property under the  
132 department's control shall keep records, including, but not limited to: time, date, type of  
133 evidence, method of disposal, case number, description, name of employee and reason for

134 disposal. Upon completion of a purge, all records shall be delivered to the secretary, the chief  
135 executive officer, the municipal executive officer and the district attorney.

136 (2) A department may dispose of items held as evidence by destruction, return to owner,  
137 sale at auction or other lawful disposition pursuant to a court order or after certifying to the  
138 district attorney that the disposition is in compliance with section 47A of chapter 94C, section 3  
139 of chapter 276, or chapter 278A.

140 Records of the disposal of controlled substances pursuant to section 47A of chapter 94C  
141 shall be kept by the department. All records shall be submitted annually to the chief executive  
142 officer, the secretary, the municipal executive office and the district attorney on or before  
143 January 30.

144 SECTION 2. The department of environmental protection shall conduct a study and  
145 investigation of the licensing of incinerators in the commonwealth. The study shall investigate at  
146 a minimum: (i) the possibility of mandating the disposal of controlled substances as criteria to  
147 obtaining a license, (ii) methods to improve the disposal of controlled substances through safe  
148 and legal means within the commonwealth to prevent the theft and over stock of controlled  
149 substances, and (iii) potential mandates for departments directed towards frequency and usage of  
150 incinerators for purposes of the disposal of controlled substances. The department shall submit a  
151 report of its findings to the joint committee on environment and natural resources, the joint  
152 committee on consumer protection and professional licensure, the joint committee on the  
153 judiciary, and the joint committee on public safety and homeland security on or before July 1,  
154 2027.

155           SECTION 3. A department within the commonwealth, as defined by subsection (a) of  
156 section 104 of chapter 276, shall complete a full audit pursuant to subsection (e) of section 104  
157 of chapter 276 of the General Laws within 1 year of the effective date of this act.

**HOUSE . . . . . No. 1636**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day and David M. Rogers*

*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 clarity and consistency for the Justice Reinvestment Oversight Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/17/2025</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 1636**

By Representatives Day of Stoneham and Rogers of Cambridge, a petition (accompanied by bill, House, No. 1636) of Michael S. Day and David M. Rogers relative to the Justice Reinvestment Oversight Board. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1439 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to clarity and consistency for the Justice Reinvestment Oversight Board.

*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 18¾ of chapter 6A of the General Laws, as amended by chapter 69  
2 of the acts of 2022, is hereby amended by striking out clauses (12) through (14) and inserting in  
3 place thereof the following:-

4 (12)(i) to establish data collection and reporting standards for criminal justice agencies  
5 and the trial court, including the probation service, the parole board, the executive office of  
6 public safety and security, the department of correction, houses of correction, county jails, and  
7 the several district attorneys to capture and report information on their populations, including  
8 recording all applicable charges and convictions. The secretary shall promulgate regulations  
9 regarding: (i) the format for the submission of the data and (ii) the categories and types of data  
10 required to be submitted, including, but not limited to: (A) a unique statewide identification

11 number assigned to each person who enters the criminal justice system, including but not limited  
12 to the fingerprint-based state identification number and the probation central file number; (B) the  
13 offense for which the person has been incarcerated; (C) the date and time of the offense, (D) the  
14 location of the offense; (E) the race, ethnicity, gender age of the person, whether the person is a  
15 primary caretaker of a child and the status of the person's reproductive health needs; (F) risk and  
16 needs assessment scores; (G) participation and completion of evidence-based programs; and (H)  
17 dates entering and exiting the jail or the date entering the department or house of correction  
18 custody, wrap-up release date and actual release date.

19 (ii) the data collected pursuant to clause (i) shall be in the form of a cross-tracking  
20 system for data collection and reporting standards for criminal justice agencies and the trial  
21 court, including the probation service, the parole board, the executive office of public safety and  
22 security, the department of correction, houses of correction, county jails, and the several district  
23 attorneys. The cross-tracking system shall require all these agencies to use a unique state  
24 identification number assigned to each person who enters the criminal justice system and to  
25 incorporate the unique state identification number into their data systems upon a person's initial  
26 transfer to their jurisdiction. Anonymized cross-agency data shall be made available to the  
27 public for analysis through an application programming interface which allows access to all  
28 electronically available records.

29 (13) to establish data collection and reporting standards for criminal justice agencies and  
30 the trial court, including the probation service, the parole board, the executive office of public  
31 safety and security, the department of correction, houses of correction, county jails, and the  
32 several district attorneys relative to recidivism rates for rearraignment, reconviction and  
33 reincarceration. Recidivism rates, determined by the data collected, shall be reported annually to

34 the secretary. The data shall be submitted by each agency to the secretary who shall  
35 subsequently publish the information quarterly on the executive office of public safety and  
36 security website. Reported data shall be tracked over 1, 2 and 3 year periods and include  
37 categorizations by race, ethnicity, gender and age.

38 (14) to establish data collection and reporting standards for criminal justice agencies and  
39 the trial court, including the probation service, the parole board, the executive office of public  
40 safety and security, the department of correction, houses of correction, county jails, and the  
41 several district attorneys to standardize methods of reporting of race and ethnicity data to  
42 facilitate assessment of the racial and ethnic composition of the criminal justice population of the  
43 commonwealth. These agencies shall coordinate to ensure that racial and ethnic data related to  
44 populations, trends and outcomes is reported accurately to the secretary of the executive office of  
45 public safety and security and the public.

46 SECTION 2. Section 11 of chapter 7D of the General Laws, as amended by chapter 69 of  
47 the acts of 2022, is hereby amended by striking out the second paragraph and inserting in place  
48 thereof the following:-

49 The board shall meet quarterly to review the compliance of criminal justice agencies and  
50 the trial court, including the probation service, the parole board, the executive office of public  
51 safety and security, the department of correction, houses of correction and, county jails and the  
52 several district attorneys in: (1) collecting and submitting data required by paragraphs (12), (13)  
53 and (14) of section 18<sup>3</sup>/<sub>4</sub> of chapter 6A; (2) making said data available to the public as required  
54 by said paragraphs 12, 13 and 14 of said section 18<sup>3</sup>/<sub>4</sub> through the development of data portals to  
55 make data without personally identifiable information so available; and (3) maintaining policies

56 ensuring accurate data collection across racial, ethnic and gender classifications; provided, that  
57 compliance shall include a review of whether the methods of data collection are appropriately  
58 screening for gender-specific risk or needs that may be addressed by evidence-based programs.  
59 A report on the collection of data and the compliance with justice reinvestment policies shall be  
60 submitted annually to the clerks of the house of representatives and the senate on or before July  
61 1.

**HOUSE . . . . . No. 1640**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day*

*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 modernize the roles and responsibilities of the victim and witness assistance board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 1640**

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By Representative Day of Stoneham, a petition (accompanied by bill, House, No. 1640) of Michael S. Day relative to the roles and responsibilities of the Victim and Witness Assistance Board. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4326 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to modernize the roles and responsibilities of the victim and witness assistance board.

*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 3 of chapter 258B of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking the last paragraph and inserting the following  
3 paragraph:-

4           There shall be conspicuously posted in all courthouses and police stations a summary of  
5 the rights afforded under this section devised and provided in digital or printed format by the  
6 victim and witness assistance board, pursuant to section 4. The board shall further provide this  
7 information in the top five languages spoken at home in the Commonwealth, other than English,  
8 as provided by the most recent federal census data, and upon request, the board will respond, to  
9 the extent possible, to any requests for additional language translations.

10 SECTION 2. Section 4 of said chapter 258B of the General Laws, as so appearing, is  
11 hereby amended by striking, line 30, the word “him” and inserting in place thereof the following  
12 word:- them.

13 SECTION 3. Said Section 4 of said chapter 258B of the General Laws, as so appearing,  
14 is hereby further amended by striking lines 33 to 67 and inserting in place thereof the following  
15 paragraphs:-

16 The board shall establish, adopt, and maintain bylaws relative to the operation of internal  
17 governance.

18 In addition to the foregoing, the board shall:

19 (a) fund and support services that are available to victims across the commonwealth;

20 (b) provide informational material, professional development and community  
21 education opportunities for Massachusetts victim services providers, victims, allied  
22 professionals, medical facilities and law enforcement agencies including sharing information  
23 relative to the victim and witness rights and services established under this chapter;

24 (c) advocate for policy initiatives related to access and support for victims’ rights and  
25 services including but not limited to funding;

26 (d) assume the management and administration of the Garden of Peace, a public  
27 memorial garden located on the plaza of 100 Cambridge street in the city of Boston to honor  
28 victims of homicide, to receive gifts or grants of money or property to assist the board in the  
29 maintenance and operation of the memorial and to establish an advisory committee which shall

30 consist of interested residents appointed by the victim witness assistance board to provide advice  
31 to the board; and

32 (e) administer the SAFEPLAN advocacy program as established in Chapter 151 of  
33 the Acts of 1996.

34 SECTION 4. Section 6 of said chapter 258B of the General Laws, as so appearing, is  
35 hereby amended by striking, in line 2, the words:- the board.

**HOUSE . . . . . No. 1642**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day*

*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 concerning the arrest without a warrant of persons on probation and temporary custody.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 1642**

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By Representative Day of Stoneham, a petition (accompanied by bill, House, No. 1642) of Michael S. Day relative to arrests without a warrant of persons on probation and temporary custody. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4322 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act concerning the arrest without a warrant of persons on probation and temporary custody.

*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 279 is hereby amended by striking out section 3 and inserting in place thereof the  
2 following section:

3 Section 3. For the purposes of this section, probation officer shall include all personnel  
4 directed by the commissioner of probation, including but not limited to a chief probation officer,  
5 a regional probation supervisor, a statewide probation supervisor, the director of the ELMO  
6 center and the deputy commissioner of field services. At any time before final disposition of the  
7 case of a person placed under probation supervision or in the custody or care of a probation  
8 officer, the probation officer may arrest them without a warrant and take them before the court,  
9 or the court may issue a warrant for their arrest. When taken before the court, it may, if they have  
10 not been sentenced, sentence them or make any other lawful disposition of the case, and if they

11 have been sentenced, it may continue or revoke the suspension of the execution of their sentence;  
12 provided however, that in all cases where the probationer is served with notice of surrender and  
13 at least one of the underlying crimes for which they are on probation is a felony, then the  
14 probation officer shall provide a duplicate copy of the notice of surrender to the district attorney,  
15 and the court shall provide to the district attorney the opportunity to be heard and present  
16 evidence at the surrender hearing. If such suspension is revoked, the sentence shall be in full  
17 force and effect. If a warrant has been issued by the court for the arrest of such a person and they  
18 are a prisoner in any correctional institution, jail or house of correction, the commissioner of  
19 correction, the sheriff, master or keeper of said house of correction, or in Suffolk county, the  
20 penal institutions commissioner of the city of Boston, as the case may be, having such prisoner  
21 under their supervision or control, upon receiving notice of such warrant, shall notify such  
22 prisoner that they have the right to apply to the court for prompt disposition thereof. Such an  
23 application shall be in writing and given or sent by such prisoner to the commissioner of  
24 correction, or such sheriff, master, keeper, or penal institutions commissioner, who shall  
25 promptly forward it to the court from which the warrant issued, by certified mail, together with a  
26 certificate of said commissioner of correction, sheriff, master, keeper, or penal institutions  
27 commissioner, stating (a) the term of commitment under which such prisoner is being held, (b)  
28 the amount of time served, (c) the amount of time remaining to be served, (d) the amount of good  
29 time earned, (e) the time of parole eligibility of such prisoner, and (f) any decisions of the board  
30 of parole relating to such prisoner. Said commissioner of correction, sheriff, master, keeper, or  
31 penal institutions commissioner shall notify the appropriate district attorney by certified mail of  
32 such application to the court. Any such prisoner shall, within six months after such application is

33 received by the court, be brought into court for sentencing or other lawful disposition of their  
34 case as hereinbefore provided.

35 In no case where a provision of this chapter provides for a finding, disposition or other  
36 order to be made by the court, or for a warrant to be issued, shall such be made or issued by any  
37 person other than a justice, special justice or other person exercising the powers of a magistrate.

38 Notwithstanding any restriction in the preceding paragraph, if a probation officer has  
39 probable cause to believe that a person placed under probation supervision or in the custody or  
40 care of a probation officer pursuant to sections 42A, 58A or 87 of chapter 276 or any other  
41 statute that allows the court to set conditions of release, has violated the conditions set by the  
42 court, the probation officer may arrest the probationer or may issue a warrant for the custody of  
43 the probationer. The probation officer shall arrange for the appearance of the probationer before  
44 the next sitting of the court pursuant to the first paragraph of this section. Such warrant shall  
45 constitute sufficient authority to a probation officer and to the superintendent, jailer, or any other  
46 person in charge of any jail, house of correction, lockup, or place of detention to whom it is  
47 exhibited, to hold in custody the probationer detained pursuant thereto. The probationer shall be  
48 brought before the next session of the court having jurisdiction over the place where the person is  
49 held or to the court that set the condition of release.

**HOUSE . . . . . No. 1655**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*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 promote victim service funding.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/16/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>5/28/2025</i>

**HOUSE . . . . . No. 1655**

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By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 1655) of Marjorie C. Decker relative to victim trust funds. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act to promote victim service funding.

*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 66 of chapter 10 of the General Laws, is hereby amended by  
2 inserting, after the words “chapter 90” the following: - "and all revenues received by the  
3 commonwealth from public and private sources as gifts, grants and donations"

4           SECTION 2. Section 66A of chapter 10 of the General Laws, is hereby amended by  
5 inserting, after the words “chapter 272” the following: - "and all revenues received by the  
6 commonwealth from public and private sources as gifts, grants and donations"

**HOUSE . . . . . No. 1690**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carole A. Fiola***

*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 authorizing electronic signatures for criminal complaints.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/14/2025</i>
<i>Steven J. Ouellette</i>	<i>8th Bristol</i>	<i>1/15/2025</i>

**HOUSE . . . . . No. 1690**

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By Representative Fiola of Fall River, a petition (accompanied by bill, House, No. 1690) of Carole A. Fiola and Steven J. Ouellette relative to authorizing electronic signatures for criminal complaints. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4331 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to authorizing electronic signatures for criminal complaints.

*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 22 of chapter 276 of the General Laws, as appearing in the 2022  
2   Official Edition, is hereby amended by inserting, in line 4, after the word “subscribed” the  
3   following words:- , electronically or in person.

4           SECTION 2. Said section 22 of said chapter 276 of the General Laws, as so appearing, is  
5   hereby further amended by inserting, in line 7, after the word “Procedure.” the following words:-  
6   A law enforcement officer acting as complainant, may, if submitting a complaint electronically,  
7   in lieu of being examined on oath by a justice, subscribe to the complaint electronically under the  
8   pains and penalties of perjury.

9           SECTION 3. Section 2 of chapter 275 of the General Laws, as so appearing, is hereby  
10 amended by inserting, in line 5, after the word “subscribed” the following words:- ,  
11 electronically or in person,.

12           SECTION 4. Said section 2 of said chapter 275 of the General Laws, as so appearing, is  
13 hereby further amended by inserting, in line 5, after the word “complainant.” the following  
14 words:- A law enforcement officer acting as complainant, may, if submitting a complaint  
15 electronically, in lieu of being examined on oath by such court or a justice, subscribe to the  
16 complaint electronically under the pains and penalties of perjury.

**HOUSE . . . . . No. 1727**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Carlos González*

*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 increasing racial diversity among judges in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/16/2025</i>
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>4/9/2025</i>

**HOUSE . . . . . No. 1727**

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By Representative González of Springfield, a petition (accompanied by bill, House, No. 1727) of Carlos González for legislation to establish a special commission (including members of the General Court) relative to increasing racial diversity among judges. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1528 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to increasing racial diversity among judges in Massachusetts.

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

1           (a) Notwithstanding any special or general law to the contrary, there shall be a special  
2 legislative commission established pursuant to section 2A of chapter 4 of the General Laws to  
3 study the potential for legislative action to increase racial diversity among the judiciary in the  
4 Commonwealth. The commission shall consist of 15 members: 2 of whom shall be the chairs of  
5 the joint committee on the judiciary or their designees, who shall serve as co-chairs; 1 of whom  
6 shall be the chair of the Massachusetts Black and Latino Legislative Caucus or a designee; 1 of  
7 whom shall be the chair of the Massachusetts House Asian Caucus or a designee; 1 of whom  
8 shall be the attorney general or a designee; 1 of whom shall be the secretary of public safety and  
9 security or a designee; 1 of whom shall be the executive director of the American Civil Liberties  
10 Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the National

11 Association for the Advancement of Colored People New England Area Conference or a  
12 designee; 2 of whom shall be appointed by the Governor's Council; and 8 of whom shall be  
13 appointed by the governor, 1 of whom shall be from the Massachusetts Bar Association, 1 of  
14 whom shall be from the Boston Bar Association, 1 of whom shall be from the Massachusetts  
15 Black Lawyers Association, 1 of whom shall be from the Massachusetts Association of Hispanic  
16 Attorneys, 1 of whom shall be from the Asian American Lawyers Association of Massachusetts,  
17 1 of whom shall be from the Massachusetts District Attorney's Association or an Assistant  
18 District Attorney, and 1 of whom shall be from the Committee for Public Counsel Services.

19 (b) The appointments made by the governor pursuant to subsection (a) shall include  
20 women and people of color in such proportion as these groups exist in the commonwealth's  
21 population as periodically determined by the state secretary as the commonwealth's chief census  
22 officer.

23 (c) The commission shall evaluate the current and historic state of racial diversity among  
24 judges in the Commonwealth of Massachusetts including, but not limited to: (i) the impact  
25 legislative action could have on racial diversity within the judiciary; (ii) recommendations to  
26 ensure increased racial diversity across the judiciary; (iii) proposed standards for admission to  
27 the judiciary, including, but not limited to, age, education, community of origin, psychological  
28 and mental health; and (iv) any other information the commission deems relevant.

29 (d) The commission shall submit its findings and recommendations relative to increasing  
30 racial diversity within the judiciary by filing the same with the clerks of the house of  
31 representatives, the senate, the Governor's Council, and the Governor not later than December  
32 31, 2026.

**HOUSE . . . . . No. 1739**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Ryan M. Hamilton***

*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 the designation of jury clerk in the Haverhill District Court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>1/16/2025</i>

**HOUSE . . . . . No. 1739**

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By Representative Hamilton of Methuen, a petition (accompanied by bill, House, No. 1739) of Ryan M. Hamilton relative to the designation of jury clerk in the Haverhill District Court. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to the designation of jury clerk in the Haverhill District Court.

*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 10 of chapter 218 of the General Laws, as appearing in the 2022 Official Edition,
- 2 is hereby amended, in line 129, by inserting after the words "district court of Springfield;" the
- 3 following:- "central district court of northern Essex;"

**HOUSE . . . . . No. 1740**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Christopher Hendricks***

*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 simplify the administrative aspect of evidentiary use of medical information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/7/2025</i>

**HOUSE . . . . . No. 1740**

By Representative Hendricks of New Bedford, a petition (accompanied by bill, House, No. 1740) of Christopher Hendricks relative to the use of medical information as evidence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1545 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to simplify the administrative aspect of evidentiary use of medical information.

*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 79G of Chapter 233 of the General Laws is hereby amended by striking the first  
2 paragraph and inserting in place thereof the following:

3 In any proceeding commenced in any court, commission or agency, an itemized bill and  
4 reports, including hospital medical records, relating to a medical, dental, hospital services,  
5 prescriptions, or orthopedic appliances rendered to or prescribed for a person injured, or any  
6 report of any examination of said injured person, including, but not limited to hospital medical  
7 records subscribed and sworn to under the penalties of perjury by the physician, dentist,  
8 authorized agent of a hospital or health maintenance organization rendering such services, the  
9 authorized agent of a physician or dentist who provided treatment to the person, or by the  
10 pharmacist or retailer of orthopedic appliances or the authorized agent thereof, shall be

11 admissible as evidence of the fair and reasonable charge for such services of the necessity of  
12 such services or treatments, the diagnosis of said physician or dentist, the prognosis of such  
13 physician or dentist, the opinion of such physician or dentist as to proximate cause of the  
14 condition so diagnosed, the opinion of such physician or dentist as to disability or incapacity, if  
15 any, proximately resulting from the condition so diagnosed; provided, however, that written  
16 notice of the intention to offer such bill or report as such evidence, together with a copy thereof,  
17 has been given to the opposing party or parties, or to his or their attorneys, by mailing the same  
18 by certified mail, return receipt requested, not less than ten days before the introduction of same  
19 into evidence, and that an affidavit of such notice and the return receipt is filed with the clerk of  
20 the court, agency or commission forthwith after said receipt has been returned. Nothing  
21 contained in this section shall be construed to limit the right of any party to the action to  
22 summon, at his own expense, such physician, dentist, pharmacist, retailer of orthopedic  
23 appliances or agent of such hospital or health maintenance organization or the records of such  
24 hospital or health maintenance organization for the purpose of cross examination with respect to  
25 such bill, record and report or to rebut the contents thereof, or for any other purpose, nor to limit  
26 the right of any party to the action or proceeding to summon any other person to testify in respect  
27 to such bill, record or report or for any other purpose.

**HOUSE . . . . . No. 1771**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Daniel J. Hunt***

*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 regarding probation violations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/14/2025</i>

**HOUSE . . . . . No. 1771**

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By Representative Hunt of Boston, a petition (accompanied by bill, House, No. 1771) of Daniel J. Hunt relative to probation violations. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1567 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act regarding probation violations.

*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 133 of chapter 127 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking out the last sentence.

3           SECTION 2. Section 3 of chapter 279 of the General Laws, as so appearing, is hereby  
4 amended by striking out the third sentence and inserting in place thereof the following 4  
5 sentences:-

6           If such suspended sentence is to the state prison and is revoked, the sentence shall be in  
7 full force and effect. If such suspended sentence is to the house of correction and is revoked, the  
8 court shall have discretion to impose (i) the full term of the suspended sentence; or (ii) a portion  
9 of the suspended sentence with the remaining balance suspended. If the court imposes a portion  
10 of the suspended sentence, then the remaining balance of the suspended sentence and the length

11 of time for which the balance is suspended shall be reduced by the time served on revocation. If  
12 the court imposes less than the full term of the suspended sentence, the court shall also have  
13 discretion to revise the conditions of probation.

**HOUSE . . . . . No. 1775**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 establishing a self-defense exception.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/14/2025</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/15/2025</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/31/2025</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>3/10/2025</i>

**HOUSE . . . . . No. 1775**

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1775) of Bradley H. Jones, Jr., and others relative to establishing a self-defense exception in the interception of wire and oral communications. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1592 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act establishing a self-defense exception.

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

1            Subsection A of section 99 of chapter 272 of the General Laws, as appearing in the 2022  
2            Official Edition, is hereby amended by striking out the second sentence in the third paragraph  
3            and inserting in place thereof the following:-

4            Therefore, the secret use of such devices by private individuals must be prohibited, unless  
5            each of the following is true: (1) the individual is a party to the encounter that they are  
6            surveilling; (2) the individual is not employed by a law enforcement entity, nor acting under the  
7            auspices of one; and (3) the individual has a reasonable fear that the other party intends to  
8            physically harm them, another person, or themselves.

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**HOUSE . . . . . No. 1789**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 profits from crime.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/14/2025</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/14/2025</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/31/2025</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>3/10/2025</i>

**HOUSE . . . . . No. 1789**

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1789) of Bradley H. Jones, Jr., and others for legislation to authorize the Division of Victim Compensation and Assistance to monitor profits from criminal activities of incarcerated persons. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1575 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to profits from crime.

*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. The General Laws, as appearing in the 2022 Official Edition, are hereby  
2 amended by inserting after chapter 258E the following new chapter:-

3 "CHAPTER 258F

4 Section 1. (a) The following words as used in this section shall have the following  
5 meanings, unless the context otherwise requires:

6 "Contracting party", any person, firm, corporation, partnership, association or other  
7 private legal entity which contracts for, pays, or agrees to pay a defendant consideration which it  
8 knows or reasonably should know may constitute proceeds from a crime.

9           “Conviction”, a finding or verdict guilty or of not guilty by reason of insanity, a plea of  
10 guilty or a finding of sufficient facts to warrant a finding of guilty whether or not final judgment  
11 or sentence is imposed, or an adjudication of delinquency or of youthful offender status as  
12 defined in section 52 of chapter 119.

13           "Crime", any violation of Massachusetts law that is punishable by imprisonment in state  
14 prison and any federal offense committed in the commonwealth that is punishable by death or  
15 imprisonment for a term of more than one year. Crime shall also include any offense committed  
16 by a juvenile which would be a crime if the juvenile were an adult.

17           "Defendant", a person who has been charged with or convicted of a crime, or has  
18 voluntarily admitted the commission of a crime.

19           "Division", the division of victim compensation and assistance within the department of  
20 the attorney general.

21           "Proceeds of the crime", any assets, material objects, monies, and property obtained  
22 through the use of unique knowledge or notoriety acquired by means and in consequence of the  
23 commission of a crime from whatever source received by or owing to a defendant or his  
24 representative, whether earned, accrued, or paid before or after the disposition of criminal  
25 charges against the defendant.

26           "Victim", any natural person who suffers direct or threatened physical, emotional, or  
27 financial harm as the result of the commission of a crime, or the estate, legal guardian, and other  
28 family members of such person if the person is a minor, incompetent or deceased.

29 (b) Any contracting party which contracts for, pays or agrees to pay a defendant or his  
30 representative consideration which it knows or reasonably should know may constitute proceeds  
31 of a crime shall, within 30 days of the agreement, submit to the division a copy of its contract or  
32 a summary of the terms of any oral agreement.

33 (c) Until such time as the division makes its determinations under subsection (g), the  
34 contracting party shall file a bond, executed by the contracting party and by a surety company  
35 authorized to do business within the commonwealth, with the division equal in amount to any  
36 proceeds of the crime which by the terms of the contract would otherwise be owing to a  
37 defendant or his representative. Said bond shall be payable to the commonwealth, for the benefit  
38 of any victim aggrieved by the activity of the defendant or contracting party.

39 (d) If the provisions of subsections (b) or (c) are violated, the division may petition the  
40 superior court for an order of enforcement. Such action shall be brought in the county in which  
41 the contracting party resides or has his principal place of business, or in Suffolk county if the  
42 contracting party does not reside or have a principal place of business in the commonwealth.  
43 Upon a finding that a contracting party has violated either subsections (b) or (c) the court shall,  
44 in addition to any other relief, impose on the contracting party a civil penalty of the value of the  
45 contract or agreement. If the court finds such violation to have been knowing or willful, it shall  
46 impose a civil penalty up to three, but not less than two, times the value of the contract or  
47 agreement. To the extent monies or other consideration received by the division as a result of  
48 such order exceed the value of the contract or agreement, they shall be deposited into the victim  
49 compensation fund maintained by the treasurer in accordance with section 4(c). Any remaining  
50 monies or consideration shall be held by the division pending the determinations required by  
51 subsection (g).

52 (e) The division, upon receipt of a contract or other agreement to pay a defendant, shall  
53 take reasonable steps to notify all known victims of the crime about the existence of a contract or  
54 agreement. Notifications shall be made by certified mail to the victim's last known address. The  
55 division shall also provide legal notice in a newspaper of general circulation in the county in  
56 which the crime was committed to publicize the existence of proceeds related to the crime. Such  
57 notice shall be made by the division once every six months for one year from the date of receipt  
58 of the contract or agreement. The division may provide for such additional notice as it deems  
59 necessary. Failure to notify the victim shall not result in liability beyond the amount of any  
60 consideration in escrow at the time any judgment arising out of such liability is executed upon.

61 (f) Notwithstanding any other provision of the General Laws with respect to the timely  
62 bringing of an action, any victim shall have the right to bring a civil action to recover money  
63 damages from a defendant or his legal representative within three years of the last mandatory  
64 published public notice provided for in subsection (e).

65 (g) Within 30 days from the receipt of a contract or agreement, or upon its own initiative  
66 if no contract or agreement is submitted, the division shall determine whether the terms of the  
67 contract or agreement include proceeds as defined in subsection (a), and, if so, whether such  
68 proceeds arise from activity that is substantially related to a crime. An activity is substantially  
69 related to a crime if it principally derives from the unique knowledge or notoriety acquired by  
70 means and in consequence of the commission of a crime for which the defendant has been  
71 charged or convicted, or which the defendant has voluntarily admitted. Activity that is  
72 tangentially related to a crime, or that contains only a passing reference to a crime, shall not be  
73 determined to be substantially related.

74 (h) In order to make the determinations required by subsection (g) the division shall be  
75 authorized to issue written civil investigative demands which may be served by certified mail,  
76 and which shall be returned within 15 days from the date of service. Whenever a person fails to  
77 comply with a civil investigative demand served on him pursuant to this section, the division  
78 may petition the superior court for an order of enforcement. Such action shall be brought in the  
79 county in which the party resides or has his principal place of business, or in Suffolk County if  
80 the party does not reside or have a principal place of business in the commonwealth. Failure to  
81 comply with an order entered under this section shall be punished as a contempt of court. All  
82 information collected by the division pursuant to this section shall be kept in accordance with the  
83 provisions of chapters 4, 66, and 66A.

84 (i) Upon making the determinations required by subsection (g), the division may continue  
85 to hold the bond filed in accordance with subsection (c) or may require the contracting party to  
86 file a new bond equal to the amount determined by the division to constitute proceeds arising  
87 from activity that is substantially related to a crime. The bond held by the division shall be used  
88 to satisfy, in part or in full, any civil judgment obtained by a victim against the defendant arising  
89 from the crime.

90 (j) Within 15 days of the determination required by subsection (g), the division shall  
91 notify the contracting party of its determinations by certified mail.

92 (k) Within 15 days of the date of mailing of the notice of the division's determination, a  
93 contracting party aggrieved by the division's determination may appeal to the attorney general,  
94 by serving on the attorney general a written notice to that effect. Thereupon the attorney general  
95 shall immediately cause the division or his designee to hold a public hearing on the division's

96 action appealed from. The division shall notify the contracting party by certified mail of the  
97 determination upon appeal within 10 days of the closing of the hearing. Such notice shall include  
98 information regarding the contracting party's right to a petition for judicial review of the  
99 determination of the division.

100 (l) Within 30 days of the date of mailing of the notice of the division's determination, the  
101 contracting party may file a complaint for judicial review in the superior court in the county in  
102 which the contracting party resides or has his principal place of business, or in Suffolk County if  
103 the contracting party does not reside or have a principal place of business in the commonwealth.  
104 Proceedings upon any such complaint shall be in accordance with chapter 30A. If no petition is  
105 filed within the time specified, the decision of the division shall be final.

106 (m) The bond required in subsections (c) and (i) shall not be used to satisfy any civil  
107 judgment for a victim until the defendant has been fully and finally convicted of the crime for  
108 which he has been charged or until the defendant has voluntarily admitted the commission of the  
109 crime.

110 (n) The division shall return to the contracting party the bond required in subsections (c)  
111 and (i) if the defendant is fully and finally prosecuted and is not convicted of the crime or has not  
112 voluntarily admitted the commission of the crime.

113 (o) After all civil claims instituted by victims against the defendant have been satisfied,  
114 or if no claims have been filed after three years after the last mandatory published public notice  
115 provided for in subsection (e), one half of the value of the bond required in subsections (c) and  
116 (i) shall be returned to the contracting party. The remaining portion of the bond shall be

117 deposited into the victim compensation fund maintained by the department of the attorney  
118 general in accordance with section 4C of chapter 258C.

119 (p) The division, acting on behalf of any victim, shall have the right to apply for any and  
120 all provisional remedies, available under civil practice law and rules, including, but not limited  
121 to, attachment, injunction, receivership and notice of pendency.

122 (q) Any action taken by a defendant, or his representative, whether by way of execution  
123 of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this  
124 section shall be null and void.”

125 SECTION 2. Section 2A of chapter 260 of the General Laws, as so appearing, is hereby  
126 amended by inserting after the first sentence the following sentence:-

127 “Actions for torts against a criminal defendant by the victim as defined by section 1 of  
128 chapter 258D shall be tolled during any period of incarceration, parole or probation of the  
129 defendant for the crime committed against the victim.”

**HOUSE . . . . . No. 1791**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 establishing mandatory post release supervision in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/14/2025</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/14/2025</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/31/2025</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>3/10/2025</i>
<i>Alyson M. Sullivan-Almeida</i>	<i>7th Plymouth</i>	<i>2/11/2025</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>4/8/2025</i>

**HOUSE . . . . . No. 1791**

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1791) of Bradley H. Jones, Jr., and others for legislation to establish mandatory post release supervision. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1590 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act establishing mandatory post release supervision in the Commonwealth.

*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 5 of chapter 27, as appearing in the 2022 Official Edition, is hereby  
2 amended by adding at the end of the last sentence of the first paragraph the following:-

3 The parole board shall administer and oversee mandatory post-release supervision  
4 functions as set forth in section 133D of chapter 127 and chapter 127A.

5 SECTION 2. The General Laws are hereby amended by inserting after chapter 127 the  
6 following chapter:-

7 CHAPTER 127A.

8 MANDATORY POST-RELEASE SUPERVISION.

9           Section 1. All sentences to incarceration in a house of correction, jail or state prison shall  
10 include a period of post-release supervision, excluding those for whom parole eligibility is  
11 determined by section 133A of chapter 127. Except as provided in this chapter, for individuals  
12 who complete the incarceration portion of their sentences without supervised release or are re-  
13 incarcerated for the remainder of the sentence for violating the terms of parole or probation, the  
14 period of mandatory post-release supervision shall be 25 percent of the maximum term of  
15 incarceration imposed at sentencing but in no case shall be less than nine months. Where an  
16 individual is sentenced to incarceration on multiple offenses, the greater of the maximum terms  
17 imposed at sentencing shall be used to calculate the mandatory post-release supervision period.  
18 Mandatory post-release supervision as established in this chapter shall not be imposed upon any  
19 individual who successfully completes a period of probation imposed by a court at sentencing,  
20 upon an individual who is granted a parole permit under chapter 127 and successfully completes  
21 a period of parole supervision, or upon an individual sentenced to lifetime community parole  
22 under the provisions of section 45 of chapter 265 and section 133D of chapter 127. An individual  
23 subject to the provisions of this chapter may be supervised in another jurisdiction in accordance  
24 with sections 151A through 151L of chapter 127 and shall be considered on parole for the  
25 purposes of supervision.

26           Section 2. Upon release, an individual sentenced to a term of incarceration for not more  
27 than one year in a house of corrections or jail shall be subject to the supervision and jurisdiction  
28 of the office of the commissioner of probation during the period of mandatory post-release  
29 supervision. Upon release, an individual sentenced to a term of incarceration in a house of  
30 corrections or jail for more than one year, or in a state prison for any length of time shall be  
31 subject to the supervision and jurisdiction of the parole board during the period of mandatory

32 post-release supervision. All persons under such supervision of the office of the commissioner of  
33 probation shall be subject to the provisions of law, rules and regulations governing probation. All  
34 persons under such supervision of the parole board shall be subject to the provisions of law, rules  
35 and regulations governing parole. The commissioner of probation and the chairman of the parole  
36 board shall establish uniform regulations for post-release supervision consistent with applicable  
37 provisions of chapter 127 and chapter 276. Nothing in this section or within said regulations shall  
38 limit the authority of the superior, municipal, district or juvenile court to impose conditions of  
39 probation supervision to protect the public or promote the rehabilitation of any person.

40           Section 3. An individual subject to mandatory post-release supervision and who has  
41 successfully completed 9 months of supervision shall be eligible for early termination of such  
42 supervision. In the case of a person under the supervision of the office of the commissioner of  
43 probation, early termination may only occur upon an order of a court of competent jurisdiction.  
44 In the case of a person under the supervision of the parole board, early termination may only  
45 occur in accordance with procedure to be promulgated in the regulations of the parole board. In  
46 all proceedings under this section, the uniform criteria for early termination of mandatory post-  
47 release supervision shall be established jointly by the commissioner of probation and the  
48 chairman of the parole board and shall include, but not be limited to, the amount of time the  
49 individual has successfully spent under post-release supervision, success in finding permanent  
50 employment, success in establishing adequate housing, completing all counseling or substance  
51 abuse treatment programs and successful passing of all mandated post-release testing programs.

52           Section 4. An individual who violates a condition of mandatory post-release supervision  
53 shall be subject to the provisions of this section and subject to modification or revocation  
54 proceedings initiated by the agency responsible for the violator's supervision. The laws and

55 judicial rules governing probation violation proceedings shall govern such modification or  
56 revocation proceedings for an individual subject to the jurisdiction of the office of the  
57 commissioner of probation. The laws and regulations governing parole violation proceedings  
58 shall govern such modification or revocation proceedings for an individual subject to the  
59 jurisdiction of the parole board. In all proceedings under this section, upon a violation, the  
60 individual may be placed under increased supervision, subjected to other conditions and  
61 intermediate sanctions, or incarcerated for not more than the maximum remaining period of post-  
62 release supervision or the remaining unserved portion of the sentence, whichever is greater, if  
63 such violation does not otherwise constitute a criminal offense. In all cases where the individual  
64 is not being incarcerated for a violation, such individual shall participate in an intermediate  
65 sanction through the office of community corrections as established in chapter 211F, the level of  
66 which is to be determined by the commissioner of probation or the chairman of the parole board,  
67 whoever has supervision authority over the individual. In the case of any violation for use of  
68 controlled substances or an offense for operating under the influence of drugs or alcohol, the  
69 period of mandatory post-release supervision shall be extended to accommodate an appropriate  
70 substance abuse program, but the total shall not exceed the maximum supervisory period  
71 permitted by section 1 of chapter 127A. For any violation of the conditions of mandatory post-  
72 release supervision, the period of supervision shall be stayed during a period of incarceration,  
73 and it shall be resumed upon release. If such violation constitutes a criminal offense, said period  
74 of incarceration shall be served on and after any sentence received as a result of the new offense.  
75 Upon subsequent release, the greater of the maximum sentences of the original offense and  
76 subsequent offense shall be used to calculate the new mandatory post-release supervision period.

77           Section 5. All mandatory post-release supervision shall be deemed completed if any of  
78 the following conditions are met: except as provided in section 4 of this chapter, the individual  
79 serves a post-release supervision period of 25 percent of the maximum term of incarceration  
80 imposed at sentencing, or nine months, whichever is greater; the individual is granted early  
81 termination under section 3 of this chapter; or if upon completion of the sentence, the individual  
82 is immediately committed to the custody of any other state to serve a period of incarceration  
83 greater than or equal to the post-release supervision period required under this chapter; or if upon  
84 completion of the sentence, the individual is immediately committed to the custody of any  
85 federal or immigration authority. Mandatory post-release supervision shall be stayed for any  
86 period an individual is in custody pursuant to any order of custody under chapter 123A.

87           Section 6. Where any provision of this chapter or the application thereof to any person or  
88 circumstance, shall, for any reason, be held invalid, the remainder of this chapter or the  
89 application of such provision to persons or circumstances other than those as to which it is held  
90 invalid shall not be affected thereby.

91           SECTION 3. Section 85 of chapter 276, as so appearing, is hereby amended by adding  
92 the following at the end of the last sentence:-

93           Probation officers' powers and duties shall include mandatory post-release supervision as  
94 set forth in chapter 127A.

95           SECTION 4. Section 99 of chapter 276 is hereby amended by adding the following new  
96 clause:-

97           (11) Oversee mandatory post-release supervision functions as set forth in chapter 127A.

98 SECTION 5. Section 24 of chapter 279, as so appearing, is hereby amended in line 14 by  
99 striking the words “shall be not less than 15 years” and inserting after the words the following  
100 words:-

101 must be at least 20 percent greater than the minimum term.

102 SECTION 6. The provisions of this chapter shall take effect on January 1, 2026, and the  
103 provisions contained herein shall apply to all felonies and misdemeanors committed on or after  
104 that date. All offenses committed prior to January 1, 2026, shall be governed by the laws,  
105 including but not limited to those on sentencing, parole, and probation, in effect at the time the  
106 offense is committed.

**HOUSE . . . . . No. 1813**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Mary S. Keefe*

*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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/15/2025</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/18/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/9/2025</i>

**HOUSE . . . . . No. 1813**

By Representative Keefe of Worcester, a petition (accompanied by bill, House, No. 1813) of Mary S. Keefe and Patricia A. Duffy relative to the temporary custody of parolees. 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.

**HOUSE . . . . . No. 1826**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kathleen R. LaNatra***

*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 the transfer of the Victim Compensation Fund.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/16/2025</i>
<i>Andrea Joy Campbell</i>	<i>Attorney General</i>	<i>1/17/2025</i>
<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>2/23/2025</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/6/2025</i>

**HOUSE . . . . . No. 1826**

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By Representative LaNatra of Kingston, a petition (accompanied by bill, House, No. 1826) of Kathleen R. LaNatra and others relative to the Victim Compensation Fund. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to the transfer of the Victim Compensation Fund.

*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 11K of chapter 12 of the General Laws is hereby repealed.

2 SECTION 2. Section 4 of chapter 258B of the General Laws, as appearing in the 2022  
3 Official Edition, is hereby amended by adding the following 2 subsections:-

4 (f) administer the provisions of chapter 258C through the Massachusetts office for victim  
5 assistance.

6 (g) The executive director, appointed by the board, shall have the authority to promulgate  
7 rules and regulations pursuant to chapter 30A as may be necessary to carry out this chapter.

8 SECTION 3. Section 1 of chapter 258C of the General Laws, as so appearing, is hereby  
9 further amended by inserting before the definition of “Catastrophic injury” the following  
10 definition:-

11           “Agency”, the Massachusetts office for victim assistance, which administers the  
12 provisions of chapter 258B on behalf of the victim and witness assistance board.

13           SECTION 4. Said section 1 of said chapter 258C, as so appearing, is hereby further  
14 amended by striking the definition of “Department”.

15           SECTION 5. Said section 1 of said chapter 258C, as so amended, is hereby further  
16 amended by striking out, in lines 32, 64 and 65, the word “his”, each time it appears, and  
17 inserting in place thereof, in each instance, the words:- the victim’s.

18           SECTION 6. Said section 1 of said chapter 258C, as so appearing, is hereby further  
19 amended by striking the definition of “Division” and inserting in place thereof the following  
20 definition:-

21           “Director”, the executive director of the Massachusetts office for victim assistance or the  
22 executive director’s designee.

23           SECTION 7. Section 2 of said chapter 258C, as so appearing, is hereby amended by  
24 striking out, in lines 2, 9, 29, 40 and 41, the word “division”, each time it appears, and inserting  
25 in place thereof, in each instance, the word:- agency.

26           SECTION 8. Said section 2 of said chapter 258C, as so appearing, is hereby further  
27 amended by striking out, in line 17, the word “he”, and inserting in place thereof the words:- the  
28 claimant.

29           SECTION 9. Section 3 of chapter 258C of the General Laws, as amended by chapter 140  
30 of the acts of 2024, is hereby amended by striking out, in lines 27 and 28, the word “program”.

31 SECTION 10. Said section 3 of said chapter 258C, as so amended, is hereby further  
32 amended by striking out, in lines 61 and 68, the word “he”, each time it appears, and inserting in  
33 place thereof, in each instance, the words:- the victim.

34 SECTION 11. Said section 3 of said chapter 258C, as so amended, is hereby further  
35 amended by striking out, in line 73, the word “his”, and inserting in place thereof the words:- the  
36 victim’s.

37 SECTION 12. Chapter 258C of the General Laws is hereby amended by striking out  
38 section 4 as appearing in the 2022 Official Edition and inserting in place thereof the following  
39 section:-

40 Section 4. (a) The agency shall administer the provisions of this chapter. The director  
41 may appoint and remove such investigative, legal and clerical or other staff as the work of the  
42 agency requires.

43 (b) The director may promulgate rules and regulations pursuant to chapter 30A as may be  
44 necessary to carry out the provisions of this chapter.

45 (c) The director may apply for and receive sums which may be transmitted to the victim  
46 compensation fund maintained by the treasurer and for any other such funds as may become  
47 available to administer the requirements of this chapter.

48 SECTION 13. Section 5 of said chapter 258C, as so appearing, is hereby amended by  
49 striking out, in line 4, the word “he”, and inserting in place thereof the words:- the claimant.

50 SECTION 14. Said section 5 of said chapter 258C, as so appearing, is hereby further  
51 amended by striking out, in lines 6, 18, 20 and 26, the word “division”, each time it appears, and  
52 inserting in place thereof, in each instance, the word:- agency.

53 SECTION 14A. Said section 5 of said chapter 258C, as so appearing, is hereby further  
54 amended by striking out, in line 20, the words “an investigation”, and inserting in place thereof  
55 the words:- a review.

56 SECTION 15. Said section 5 of said chapter 258C, as so appearing, is hereby further  
57 amended by striking out, in line 22, the word “division”, and inserting in place thereof the  
58 words:- agency, through the attorney general,.

59 SECTION 16. Said section 5 of said chapter 258C, as so appearing, is hereby further  
60 amended by striking out, in line 33, the word “him”, and inserting in place thereof the word:- the  
61 person.

62 SECTION 17. Said section 5 of said chapter 258C, as so appearing, is hereby further  
63 amended by striking out, in line 33, the words “attorney general”, and inserting in place thereof  
64 the words:- agency, through the attorney general,.

65 SECTION 18. Section 6 of said chapter 258C, as so appearing, is hereby amended by  
66 striking out, in line 2, the word “division”, and inserting in place thereof the word:- agency.

67 SECTION 19. Chapter 258C of the General Laws is hereby amended by striking out  
68 section 7 as appearing in the 2022 Official Edition and inserting in place thereof the following  
69 section:-

70           Section 7. Within 15 days of completion of the claims review, the director shall notify the  
71 claimant of compensation to be paid or denied, and the reasons therefor, and issue payment in  
72 accordance with regulations established under this chapter. The notice shall contain information  
73 regarding the right of the claimant to petition for judicial review of the decision of the director.

74           SECTION 20. Section 8 of said chapter 258C, as so appearing, is hereby amended by  
75 striking out, in lines 2, 4, 5, 8, 11 and 16, the word “program”.

76           SECTION 21. Said section 8 of said chapter 258C, as so appearing, is hereby further  
77 amended by striking out, in line 5, the word “his”, and inserting in place thereof the words:- the  
78 director’s.

79           SECTION 22. Section 9 of said chapter 258C, as so appearing, is hereby amended by  
80 striking out, in lines 2, 6, 9, 11 and 42, the word “program”.

81           SECTION 23. Said section 9 of said chapter 258C, as so appearing, is hereby further  
82 amended by striking out, in line 12, the word “his”, and inserting in place thereof the words:- the  
83 director’s.

84           SECTION 24. Subsection (e) of said subsection 9 of said chapter 258C, as so appearing,  
85 is hereby further amended by striking out the fourth and fifth sentences and inserting in place  
86 thereof the following 2 sentences:-

87           The clerk of the court shall immediately notify the claimant in writing of the decision and  
88 shall forward to the agency a certified copy of the decision. The agency without further  
89 authorization shall, subject to appropriation, pay the claimant the amount determined by the  
90 court.

91 SECTION 25. Said subsection (e) of said subsection 9 of said chapter 258C, as so  
92 appearing, is hereby further amended by striking out, in lines 33, 34, 37, 40 and 41, the word  
93 “his”, each time it appears, and inserting in place thereof, in each instance, the words:- the  
94 victim’s.

95 SECTION 26. Section 11 of said chapter 258C, as so appearing, is hereby amended by  
96 striking out, in lines 6 and 7, the words “attorney general”, and inserting in place thereof the  
97 words:- agency.

98 SECTION 27. Said section 11 of said chapter 258C, as so appearing, is hereby further  
99 amended by striking out, in line 7, the words “attorney general”, and inserting in place thereof  
100 the words:- agency, through the attorney general,.

101 SECTION 28. Said section 11 of said chapter 258C, as so appearing, is hereby amended  
102 by striking out, in line 8, the word “he”.

103 SECTION 29. Section 12 of said chapter 258C, as so appearing, is hereby amended by  
104 striking out, in line 4, the word “division”, and inserting in place thereof the word:- agency.

105 SECTION 30. Said section 12 of said chapter 258C, as so appearing, is hereby amended  
106 by inserting after the word “general”, in line 15, the following words:- , representing the agency,.

107 SECTION 31. Chapter 258C of the General Laws is hereby amended by adding the  
108 following section:-

109 Section 15. (a) Except as otherwise provided in this section, all records and information  
110 received, obtained or maintained by the agency in connection with any claim for crime victim

111 compensation shall be confidential and privileged. All records and information shall not  
112 be disclosed by the agency or by anyone who receives such records or information from the  
113 agency.

114 (b) Nothing in this section shall preclude disclosure of records or information:

115 (i) for the processing of a claim by the agency or responding to an action in court seeking  
116 review of a decision by the agency;

117 (ii) consisting of information exchanged between the claimant or the claimant's  
118 authorized representative and the agency, provided that the claimant or the claimant's authorized  
119 representative consents to such disclosure in writing; or

120 (iii) upon a lawful order issued by a court of competent jurisdiction.

121 SECTION 32. This act shall take effect 180 days after passage.

**HOUSE . . . . . No. 1827**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kathleen R. LaNatra***

*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 police reports involving railroad fatalities.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/15/2025</i>
<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>2/23/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/6/2025</i>

**HOUSE . . . . . No. 1827**

By Representative LaNatra of Kingston, a petition (accompanied by bill, House, No. 1827) of Kathleen R. LaNatra, Michelle L. Badger and Michael D. Brady for legislation to further regulate police reports involving railroad fatalities. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act relative to police reports involving railroad fatalities.

*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 160 of the General Laws is hereby amended by adding the following section:-

2 Section 253. (a) Any police report involving a railroad fatality and all communications  
3 between police officers and railroad crew members involved in such fatality shall not be made  
4 public and shall be maintained by the police department that responds to such fatality in a  
5 manner that shall ensure confidentiality; provided, however, that all such reports shall be  
6 accessible at all reasonable times, upon written request, to (i) the host railroad, (ii) the railroad of  
7 employ of any employee mentioned in such reports and (iii) any other person authorized by  
8 judicial order to obtain such information if access to such report is necessary in the performance  
9 of their duties; and provided further, that all such reports shall be accessible at all reasonable  
10 times, upon written or electronic mail request to law enforcement officers, district attorneys or  
11 assistant district attorneys.

12           (b) Communications between police officers and railroad employees concerning any  
13 railroad fatality incident may be shared with any person listed in subsection (a) if such access is  
14 necessary to the performance of their duties.

15           (c) A violation of this section shall be punished by imprisonment for not more than 1 year  
16 or by a fine of not more than \$10,000, or both.

**HOUSE . . . . . No. 1848**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kate Lipper-Garabedian***

*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 judicial discretion for probation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 1848**

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By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 1848) of Kate Lipper-Garabedian relative to judicial discretion for probation. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1634 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to judicial discretion for 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 87 of chapter 276 of the General Laws is hereby amended by adding the  
2 following paragraph:-

3           “A judge may exercise discretion in placing a defendant on probation and consider the  
4 following:

5           (i) age;

6           (ii) nature of the defendant’s military service, if any;

7           (iii) education;

8           (iv) injuries or wounds sustained;

9           (v) military discipline record, if the defendant served in the military;

- 10 (vi) past and current medical status;
- 11 (vii) family and medical psychological reports;
- 12 (viii) nature of past criminal convictions, if any;
- 13 (ix) age of previous criminal convictions, if any;
- 14 (x) employment status;
- 15 (xi) arrest record;
- 16 (xii) nature of current criminal matter and, if violent, the nature and extent of any injuries  
17 to the victim and the relationship of victim to defendant;
- 18 (xiii) the availability of family and community support systems;
- 19 (xiv) the proposed probation terms; and
- 20 (xv) any other facts or circumstances having a bearing on pre-trial probation."

**HOUSE . . . . . No. 1894**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Samantha Montaño***

*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 equity in traffic stops.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/17/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/15/2025</i>

**HOUSE . . . . . No. 1894**

By Representative Montañó of Boston, a petition (accompanied by bill, House, No. 1894) of Samantha Montañó relative to evidence obtained during traffic stops in criminal proceedings. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act promoting equity in traffic stops.

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

1           The General Laws are hereby amended by inserting after section 20H of chapter 90 of the  
2 General Laws the following section:-

3           Section 20I.

4           (a) Evidence obtained during a traffic stop shall be inadmissible in any criminal  
5 proceeding if the evidence is unrelated to the traffic violation that was the basis for the stop,  
6 unless the officer had reasonable suspicion or probable cause to believe that the operator or  
7 passenger of the vehicle was engaged in an act that constitutes a felony or a misdemeanor prior  
8 to initiating the stop.

9           (b) In any motion to suppress evidence under this section, the burden shall be on the  
10 commonwealth to prove by a preponderance of the evidence that reasonable suspicion or  
11 probable cause of criminal activity existed prior to the initiation of the traffic stop.

12           (c) Nothing in this section shall be construed to limit the authority of law enforcement to  
13 enforce the traffic laws of the commonwealth. Law enforcement officers may issue citations,  
14 warnings, or make arrests for violations of traffic laws; provided, however, that such  
15 enforcement shall not serve as a pretext for investigating unrelated criminal activity.

16           (d) (1) Any evidence obtained in violation of this section shall be suppressed and shall  
17 not be admissible in any criminal proceeding in the courts of the commonwealth.

18           (2) Any individual subjected to a traffic stop in violation of this section may pursue all  
19 civil remedies available under state or federal law, including but not limited to claims for  
20 injunctive relief or monetary damages.

**HOUSE . . . . . No. 1902**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John Francis Moran***

*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 the reliability of testifying informants.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>1/15/2025</i>

**HOUSE . . . . . No. 1902**

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By Representative Moran of Boston, a petition (accompanied by bill, House, No. 1902) of John Francis Moran relative to the reliability of testifying informants. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1649 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to the reliability of testifying informants.

*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 233 of the General Laws, as appearing in the 2016 Official Edition, is hereby  
2 amended by inserting after Section 21B the following: -

3 Section. 21C: Reliability of Testifying Informants

4 (a) Definitions.

5 (1) For purposes of this Chapter, “testifying informant” means someone who is  
6 purporting to testify about admissions made to them by the accused and who has requested or  
7 received or may in the future receive a benefit in connection with such testimony.

8           (2) This Chapter applies to any criminal proceeding in which the Commonwealth  
9 attempts to introduce evidence of incriminating statements made by the accused to, or overheard  
10 by, a testifying informant.

11           (3) For the purposes of this Chapter, “benefit” means any plea bargain, bail consideration,  
12 reduction or modification of sentence, or any other leniency, immunity, financial payment,  
13 reward, or amelioration of current or future conditions of incarceration that has been requested  
14 by the testifying informant or that has been offered or may be offered in the future to the  
15 testifying informant in connection with his or her testimony in the criminal proceeding in which  
16 the prosecutor intends to call him or her as a witness.

17           (b) Mandatory Documentation and Discovery of Evidence Bearing on Testifying  
18 Informant Reliability.

19           (1) In all cases in which a statement from a testifying informant is sought out, given, or  
20 otherwise procured at any stage, each district attorney’s office and the Attorney General’s Office  
21 shall create and maintain a centralized record documenting: (1) the complete criminal history of  
22 any testifying informant, including any alleged criminal conduct that has not yet resulted in  
23 criminal charges; (2) any deals, promises, inducements, or benefits that the Commonwealth has  
24 made or will make in the future to the testifying informant or their agent(s); and (3) any and all  
25 communications with the testifying informant including but not limited to requested or possible  
26 deals, promises, inducements or benefits. The record shall be collected from each district  
27 attorney’s office and the Attorney General’s Office by the Executive Office of Public Safety and  
28 Security and shall be made available to prosecutors statewide. Such records shall not be subject  
29 to the public records act.

30           (2) In accordance with the pre-trial discovery provisions of the Massachusetts Rules of  
31 Criminal Procedure, the Commonwealth shall timely disclose: (1) any alleged criminal conduct  
32 by the testifying informant that has not yet resulted in criminal charges; (2) any and all  
33 communications between the Commonwealth and the testifying informant or agent of the  
34 testifying informant regarding any deal, promise, inducement, or benefit that the offering party  
35 has made or will make in the future to the testifying informant, including but not limited any  
36 requests made by the testifying informant for a deal, promise, inducement, or benefit; (3) the  
37 time and place of any and all incriminating statements purportedly made by the accused to the  
38 testifying informant, the time and place of their disclosure by the testifying informant to law  
39 enforcement officials, and the names of all persons present when the accused's statements were  
40 made; (4) whether at any time the testifying informant gave inconsistent statements regarding the  
41 purported incriminating statements by the accused, and if so, the time and place of the  
42 inconsistent statements, the nature of the inconsistencies, and the names of the persons who were  
43 present for the inconsistent statement; (5) all other cases or investigations in which the testifying  
44 informant testified, provided information, or otherwise assisted with a police investigation or  
45 prosecution, including cases or investigations in other Massachusetts counties, and whether in  
46 those other cases or investigations the testifying informant received any promise, inducement, or  
47 benefit in exchange for or subsequent to that testimony or assistance; (6) any other information  
48 relevant to the testifying informant's credibility.

49           (3) In accordance with the Massachusetts Rules of Criminal Procedure, the judge may at  
50 any time order that the discovery or inspection described herein be denied, restricted, or deferred,  
51 or make such other order as is appropriate. The judge may, for cause shown grant discovery to a  
52 defendant on the condition that the material to be discovered be available only to counsel for the

53 defendant. This provision does not alter the allocation of the burden of proof with regard to the  
54 matter at issue, including privilege.

55 (c) Reliability hearing.

56 (1) In accordance with the pre-trial discovery provisions of the Massachusetts Rules of  
57 Criminal Procedure, the Commonwealth shall timely disclose its intent to introduce the  
58 testimony of a testifying informant.

59 (2) Where such notice is given, the trial court shall conduct a hearing to determine  
60 whether the testimony of the informant is reliable, unless the defendant waives such a hearing.

61 (3) At the hearing, the Commonwealth shall bear the burden of establishing by a  
62 preponderance of the evidence that the proposed informant's testimony reliable. The court shall  
63 consider the factors enumerated in subsection 2(b), as well as any other factors relating to  
64 reliability.

65 (4) If the Commonwealth fails to satisfy its burden of establishing the reliability of the  
66 proposed informant testimony by a preponderance of the evidence, the court shall not allow the  
67 testimony to be heard at trial.

68 (5) If a testifying informant receives leniency related to a pending charge, conviction, or a  
69 sentence for a crime against a victim in connection with offering or providing testimony against  
70 a suspect or defendant, the prosecutor shall notify such victim.

**HOUSE . . . . . No. 1904**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Moran***

*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 criminal investigations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 1904**

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By Representative Moran of Boston, a petition (accompanied by bill, House, No. 1904) of Michael J. Moran relative to authorizing the recording of conversations during certain investigations. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1691 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to criminal investigations.

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

1            Subsection D of section 99 of chapter 272 of the General Laws is hereby amended by  
2 inserting, after paragraph 2 (e), the following paragraph:

3            (f) Notwithstanding any other provision of this chapter, a law enforcement official  
4 conducting an authorized investigation into a crime against a person or for arson may conduct a  
5 one party recording with a suspect in a police facility which had clear and conspicuous notices  
6 that conversations concerning crimes against a person or for arson may be recorded in said  
7 facility without an additional notice after the individual has been given his Miranda warnings.

**HOUSE . . . . . No. 1945**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Orlando Ramos and Carlos González*

*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 establishing a commission to study judicial accountability in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>1/13/2025</i>

**HOUSE . . . . . No. 1945**

By Representatives Ramos of Springfield and González of Springfield, a petition (accompanied by bill, House, No. 1945) of Orlando Ramos for legislation to establish a commission to study judicial accountability in the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1727 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act establishing a commission to study judicial accountability in the Commonwealth.

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

1           Notwithstanding any special or general law to the contrary there shall be a special  
2           commission on judicial accountability to study the nomination, selection, appointment, and  
3           oversight of judges in the Commonwealth and to develop recommendations to improve  
4           accountability including reappointment standards.

5           The special commission shall consist of: three members to be appointed by the governor;  
6           two members of the House of Representatives, one of whom to be appointed by the Speaker of  
7           the House of Representatives, and the other to be appointed by the minority leader; two members  
8           of the Senate, one of whom to be appointed by the President of the Senate, and the other to be  
9           appointed by the minority leader; the president of the Massachusetts Bar Association or their  
10          designee; the president of the Asian American Lawyers Association of Massachusetts or their

11 designee; president of the Barnstable Bar Association or their designee; the president of the  
12 Berkshire County Bar Association or their designee; president of the Boston Bar Association or  
13 their designee; president of the Bristol County Bar Association or their designee; president of the  
14 Essex County Bar Association or their designee; the president of the Franklin County Bar  
15 Association or their designee; president of the Hampden County Bar Association or their  
16 designee; president of the Hampshire County Bar Association or their designee; president of the  
17 League of Women Voters or their designee; president of the Massachusetts Association of  
18 Hispanic Attorneys or their designee; president of the Massachusetts Association of Women  
19 Lawyers or their designee; president of the Massachusetts Black Lawyers Association or their  
20 designee; president of the Massachusetts Judges Conference or their designee; president of the  
21 Massachusetts LGBTQ Bar Association or their designee; president of the Middlesex Bar  
22 Association or their designee; president of the Norfolk County Bar Association or their  
23 designee; president of the Plymouth County Bar Association or their designee; president of the  
24 Suffolk County Bar Association or their designee; president of the Woman’s Bar Association or  
25 their designee; and the president of the Worcester County Bar Association or their designee.

26         The commission shall elect from among its members a chair, a vice chair and any other  
27 officers it deems necessary. The members of the commission shall receive no compensation for  
28 their services, other than as may be already provided for due to their position outside the  
29 commission. The commission may receive such funds to carry out its mission as may be  
30 authorized and appropriated or donated from time to time. The commission may request from all  
31 state agencies such information and assistance as the commission may require, which shall be  
32 provided as promptly as is reasonably practicable. The commission may: (i) use such voluntary  
33 and uncompensated services of private individuals, agencies and organizations as may from time

34 to time be offered and needed; (ii) hold regular, public meetings and fact-finding hearings and  
35 other public forums as it may consider necessary. The commission shall convene its first meeting  
36 within one month of appointment and shall submit its first report of recommendations not later  
37 than December 1, 2021 to the clerks of the House of Representatives and the Senate who shall  
38 forward a copy of the report to the House and Senate chairs of the Joint Committee on the  
39 Judiciary.

**HOUSE . . . . . No. 1960**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*David M. Rogers*

*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 establishing presumptive parole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/17/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/23/2025</i>

**HOUSE . . . . . No. 1960**

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By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 1960) of David M. Rogers and Joanne M. Comerford relative to establishing presumptive parole using structured, actuarially-based guidelines. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act establishing presumptive 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           Section 130 of chapter 127 of the General Laws, as amended by St.2018, c. 72, § 6, eff.  
2 Jan. 13, 2019, is hereby amended by striking the first four sentences and inserting in place  
3 thereof the following paragraphs:-

4           Unless the parole board determines by clear and convincing evidence that, if the prisoner  
5 is released with appropriate conditions and community supervision, the prisoner will not live and  
6 remain at liberty without violating the law, a parole permit shall be granted at a prisoner's first  
7 date of parole eligibility and at any subsequent review hearing. The parole board shall make this  
8 determination using structured, actuarially based parole guidelines and the findings of a validated  
9 risk and needs assessment tool, both of which must consider the prisoner's participation in  
10 available work opportunities, educational opportunities and treatment program and the prisoner's  
11 demonstrated good behavior. The parole board shall also consider whether risk reduction  
12 programs, made available through collaboration with criminal justice agencies, community

13 organizations, or with the Department of Mental Health or Department of Public Health, and  
14 other aspects of the prisoner's parole plan would minimize the probability of the prisoner re-  
15 offending once released.

16 For any prisoner with a disability, the parole board must consider whether provision of  
17 reasonable accommodations will enable the prisoner to live and remain at liberty without  
18 violating the law. If a prisoner has a disability that may impair the ability of the prisoner to be  
19 successful on parole, the parole board shall, in collaboration with counsel, where applicable,  
20 arrange for a psychological or medical examination to ascertain and evaluate the nature of the  
21 risk posed by the disability and to identify any services, supports, or programs that might  
22 mitigate the risk. The parole board shall consider the examination in making its decision.

23 Upon issuance of a grant of parole to anyone who needs specialized care due to bodily  
24 infirmity, disease, or mental or developmental disability, and who is unable to secure a home  
25 plan, the parole board shall notify the Commissioner of the Department of Public Health or the  
26 Commissioner of the Department of Mental Health, as appropriate, who shall secure a medically  
27 appropriate placement for such prisoner within 60 days. No individual who has been granted  
28 parole shall remain incarcerated for failure to secure an appropriate home plan.

**HOUSE . . . . . No. 1961**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*David M. Rogers*

*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 life without parole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 1961**

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By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 1961) of David M. Rogers relative to life sentences without eligibility for parole. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1739 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to life without 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           SECTION 1. Section 133A of chapter 127 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by adding the words "for whom the court determined that  
3 they shall not be eligible for parole" after the words "at the time of the murder".

4           SECTION 2. Section 133B of chapter 127 of the General Laws, as so appearing is hereby  
5 amended by striking the words "subsection (e) of" in the final paragraph.

6           SECTION 3. Section 2 of chapter 265 of the General Laws, as so appearing, is hereby  
7 amended by striking the words "shall not be eligible for parole pursuant to section 133A of  
8 chapter 127" and inserting in place thereof the following:- "may be eligible for parole after a  
9 term of years fixed by the court pursuant to section 24 of chapter 279; provided that the court

10 shall set said term of years at no fewer than 35 years; and provided further, that the court may  
11 determine that the person shall not be eligible for parole".

12 SECTION 4. Section 24 of chapter 279 of the General Laws, as so appearing, is hereby  
13 amended by adding the following sentence to the end of the first paragraph:- In the case of a  
14 sentence for murder in the first degree committed by a person on or after the person's eighteenth  
15 birthday, the court either shall set a minimum term which shall be not less than 35 years or shall  
16 determine that the person shall not be eligible for parole.

17 SECTION 5. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby  
18 amended by adding the words "; provided, however, that the court may set parole eligibility at 35  
19 years or greater for a person who would otherwise face a life sentence without eligibility for  
20 parole under the provisions of this section;" after the words "enumerated in clause (i)" and after  
21 the words "person's sentence for good conduct."

22 SECTION 6. This Act shall apply to persons sentenced after the effective date of this  
23 Act.

**HOUSE . . . . . No. 1965**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy and Christopher J. Worrell*

*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 compensation for victims of wrongful conviction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/14/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/14/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>2/10/2025</i>

**HOUSE . . . . . No. 1965**

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By Representatives Roy of Franklin and Worrell of Boston, a petition (accompanied by bill, House, No. 1965) of Jeffrey N. Roy, Christopher J. Worrell and Sean Reid relative to compensation for victims of wrongful conviction. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to compensation for victims of wrongful conviction.

*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 9 of chapter 211D of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof  
3 the following subsection:-

4 (e) a method for the provision of social services including, but not limited to, referrals for  
5 transitional services relating to the physical, social and emotional needs of persons after release  
6 from incarceration;

7 SECTION 2. Chapter 211D of the General Laws is hereby amended by adding the  
8 following section:-

9 Section 18. The committee shall establish, supervise and maintain a system for the  
10 assignment of social service advocates to assist indigents who are eligible for transitional  
11 assistance pursuant to chapter 258D.

12 SECTION 3. Chapter 258D of the General Laws is hereby repealed and replaced with  
13 the following chapter:-

14 Section 1. (a) There shall be within the office of the attorney general a division of  
15 erroneous felony convictions compensation that shall administer the provisions of this chapter,  
16 referred to throughout this chapter as the division. The attorney general shall designate a  
17 program director for the division who shall be a licensed attorney with experience in criminal  
18 law and erroneous convictions. The director may appoint and remove, subject to the approval of  
19 the attorney general, such investigative, legal and clerical or other staff as the work of the  
20 division requires. The director shall prepare an annual report which shall include the number of  
21 applications received, the number of applications granted and denied, and the number of hearings  
22 held before the division director or its staff. The director shall file such report annually to the  
23 general court and governor.

24 (b) The program director may promulgate rules and regulations pursuant to chapter 30A  
25 as may be necessary to carry out the provisions of this chapter.

26 (c) The program director may apply for and receive sums which may be transmitted to  
27 the erroneous felony convictions compensation fund maintained by the treasurer and for any  
28 other such funds as may become available to administer the requirements of this chapter.

29 Section 2. (a) A person shall be eligible to receive compensation and services through an  
30 administrative claims process for erroneous felony conviction if:

31 (i) the person was convicted of an offense classified as a felony;

32           (ii)     the person did not plead guilty to the offense charged, or to any lesser included  
33 offense, unless such guilty plea was withdrawn, vacated or nullified by operation of law on a  
34 basis other than a claimed deficiency in the plea warnings required by section 29 D of chapter  
35 278;

36           (iii)    the person was sentenced to incarceration for not less than 1 year in state prison or  
37 a house of correction as a result of the conviction and has served all or any part of such sentence;  
38 the person was incarcerated on the basis of the conviction for the offense that is the subject of the  
39 claim; and

40           (iv)    (A) the person has been granted a full pardon for such offense pursuant to section  
41 152 of chapter 127, and the governor states that the pardon was granted because there is a  
42 reasonable possibility that the individual is innocent; or

43           (B) (i) the person has been granted judicial relief by a state court of competent  
44 jurisdiction on grounds specific to the person's case, and that judicial relief vacates or reverses  
45 the judgment of a felony conviction; and

46           (a) the felony indictment or complaint used to charge the person with such felony has  
47 been dismissed; or

48           (b) a new trial was ordered, the person was not retried and the felony indictment or  
49 complaint was dismissed, or a nolle prosequi was entered; or (c) a new trial was ordered and the  
50 person was found not guilty at the new

51           trial; and

52           (ii) 60 days have passed since the judgment of conviction was reversed or

53           vacated, and

54           (a) the district attorney or the attorney general has not filed any felony

55           charges against the person for any act associated with the felony conviction that is the

56           subject of the claim, or

57           (b) if the district attorney or attorney general did file felony charges against the person for

58           an act associated with the felony conviction that is the subject of the claim, those felony charges

59           were dismissed, a nolle prosequi was entered, or the defendant was found not guilty at the new

60           trial.

61           (b) For the purposes of this chapter “conviction” or “convicted” shall include an

62           adjudication as a youthful offender, if such adjudication resulted in the youthful offender’s

63           incarceration in a house of correction or state prison.

64           (c) Pursuant to this section, the committee for public counsel services shall appoint

65           counsel for any individual who is indigent and eligible to apply for relief under this chapter.

66           (d) A person shall not be entitled to compensation from the commonwealth for any

67           incarceration or portion thereof, which was or will be credited toward a sentence for, or during

68           which the claimant was also serving a concurrent sentence for, the conviction of a lesser included

69           offense or of another offense that does not itself meet the eligibility requirements of section 2. In

70           those cases in which only a pardon from the governor is used to support a claim for

71           compensation brought under this chapter, the subsequent exercise of the governor’s authority to

72           revoke such pardon pursuant to section 150 of chapter 127 shall immediately negate the validity

73           of any such claim.

74 Section 3. A person who meets the eligibility requirements of section 2 may present an  
75 administrative claim for such compensation and services to the division. A person eligible under  
76 section 2 shall be referred to throughout this chapter as the claimant.

77 (a) The claimant shall attach to the claim:

78 (i) a sworn statement asserting innocence;

79 (ii) certified copies of the mittimus that shows the claimant's sentence to incarceration  
80 and the warrants necessary to grant a pardon pursuant to section 152 of chapter 127; or criminal  
81 case docket entries or documents related thereto in the case of judicial relief, including but not  
82 limited to a copy of the judicial decision and any relevant pleadings that support the claim for  
83 post-conviction relief; and

84 (iii) a statement from the department of correction or other authority verifying the length  
85 of incarceration.

86 For the purposes of this section, a claim for compensation or services shall not be deemed  
87 to have been submitted until all documents required of the claimant by the division have been  
88 submitted.

89 (b) The division shall have 30 days after the division receives the documents a claimant  
90 has initially transmitted in the form of a claim to notify the claimant in writing of any omissions  
91 or deficiencies in the claim submission and provide the claimant with opportunity to complete  
92 the claim submission and correct such omissions or deficiencies. Any claim not completed by the  
93 expiration of the limit included in Section 5 shall be deemed unsupported and closed.

94 (c) If the division determines a claimant's eligibility solely on the basis of the claim and  
95 supporting documents, the division shall order immediate payment to the claimant under section  
96 4 without a hearing.

97 (d) If the division determines that a claim and supporting documents are not sufficient to  
98 establish eligibility under section 2 , the division shall hold a hearing on the claim. The hearing  
99 shall be set to occur within 60 days after the date upon which the claim was submitted. Prior to  
100 the hearing, the division shall notify the claimant in writing of the deficiencies in the claim  
101 submission that necessitates the hearing and allow for the submission of any information the  
102 claimant offers for eligibility. The division may cancel the hearing if the claimant's further  
103 submissions establish eligibility, and the division shall issue such decision. At the hearing, the  
104 claimant shall have the burden of establishing by a preponderance of the evidence that such  
105 person meets the eligibility requirements of section 2.

106 (e) The division shall approve or reject a claim for compensation or services filed within  
107 60 days after the hearing. The division shall provide written notice of its decision to the person  
108 who filed the petition. The written notice shall include any amount due to the claimant, as  
109 specified in section 4, and any services to be provided to the claimant.

110 (f) With respect to a claim that involves an offense prosecuted by the attorney general's  
111 office, the attorney general shall duly appoint, pursuant to chapter 12, a special assistant attorney  
112 with experience in criminal law and erroneous convictions to administer the provisions of this  
113 chapter. The attorney general's office shall in all respects treat such claims as presenting an  
114 unwaivable conflict of interest.

115 Section 4. (a) If the division determines that the claimant has established eligibility under  
116 section 2 by a preponderance of the evidence, the division shall order the payment to such person  
117 of compensation for such erroneous felony conviction.

118 (b) Except as limited by the provisions of this chapter, a person determined to be eligible  
119 for compensation shall receive \$115,000 per year of incarceration, and not less than \$57,500 for  
120 each year the person was on parole or probation, or for each year the person was required to  
121 register as a sex offender, whichever period of time was greater.

122 (c) These awards shall be adjusted for inflation using the Consumer Price Index for all  
123 urban consumers. This adjustment shall not result in a reduction of the amount calculated in the  
124 prior year.

125 (d) Any partial year of incarceration for the erroneous felony conviction shall be prorated  
126 in order to compensate only for the portion of such year in which such person was incarcerated.

127 (e) If a person is determined to be eligible for compensation under section 2, the person  
128 shall also be eligible for other services, including:

129 (i) waiver of tuition and fees for any educational services from a state or community  
130 college in the commonwealth including, but not limited to, the University of Massachusetts at  
131 Amherst and its satellite campuses;

132 (ii) health care benefits available under MassHealth, if the person resides in  
133 Massachusetts; and

134 (iii) reentry planning, transitional assistance, housing assistance.

135 (f) The commonwealth shall not be liable to levy of execution on any real or personal  
136 property to satisfy an order of payment pursuant to this chapter. Any payment ordered by the  
137 division pursuant to this chapter shall be paid from funds appropriated by the general court for  
138 such purpose. Payments by the commonwealth under this chapter are made to remedy the  
139 claimant's erroneous felony conviction and subsequent injury of erroneous incarceration. Only  
140 those portions of a payment that are paid or retained as compensation for services in bringing a  
141 claim under this chapter by an attorney representing the claimant pursuant to a signed agreement  
142 with the claimant or otherwise shall be subject to taxation by the commonwealth.

143 Section 5. A claim for compensation brought under this chapter shall be filed within 3  
144 years after either the grant of a pardon or the grant of judicial relief and satisfaction of other  
145 conditions described in section 2. Any action by the commonwealth challenging or appealing the  
146 grant of such judicial relief shall toll the 3-year period. Every claim brought pursuant to this  
147 chapter that is not filed within the time required by this section is forever barred from  
148 consideration by the division and the courts of the commonwealth.

149 Section 6. (a) If a claimant is aggrieved by the final decision of the division under  
150 subsection (e) of section 3, the claimant may initiate an appeal with the division of administrative  
151 law appeals, hereinafter referred to as "DALA" within 30 days after the claimant receives written  
152 notice of the decision under said subsection (e).

153 (b) The presiding officer or a designee from DALA shall, in response to the filing of the  
154 action, within 30 days, file in such court a copy of the division's decision and the claim  
155 submitted by the claimant.

156 (c) At the claimant's administrative hearing, the presiding officer or a designee from  
157 DALA shall conduct a de novo review of the decision of the division. The administrative hearing  
158 shall be conducted in accordance with the standard adjudicatory rules of practice and procedure  
159 pursuant to 801 CMR 1.00, and may include the presentation of additional records, evidence, or  
160 live testimony. The claimant shall be afforded all rights under the federal Administrative  
161 Procedure Act and chapter 30A.

162 (d) At the conclusion of the administrative hearing, the presiding officer or a designee  
163 from DALA may affirm the decision of the division, set aside or modify the decision or compel  
164 any action unlawfully withheld or unreasonably delayed. The presiding officer or a designee  
165 from DALA shall consider whether the claimant is entitled to additional damages, including  
166 attorney's fees, if it determines that the division denied the claimant's application in error.

167 (e) The division shall retain the authority to make a settlement offer to the claimant at any  
168 point subsequent to the initiation of the claim.

169 Section 7. (a) Within 30 days of a person's release from incarceration for an erroneous  
170 felony conviction, the trial court in which the conviction originated shall, upon a motion  
171 demonstrating eligibility for compensation under section 2, order payment of transitional  
172 financial assistance in the amount of \$15,000 to the formerly incarcerated person. These funds  
173 shall be payable from the director as under section 1 in the same manner as an award under  
174 section 4.

175 (b) Upon the release from incarceration of an indigent person whose felony conviction is  
176 vacated, reversed or pardoned, the trial court in which the conviction originated shall, upon  
177 motion demonstrating indigency, authorize funds for a social service advocate from the

178 committee for public counsel services' approved vendor list to assist the formerly incarcerated  
179 person in obtaining transitional services including, but not limited to, referrals for their physical,  
180 social and emotional needs.

181 (c) No person who received funds or services pursuant to this section shall be required to  
182 repay such funds or the costs of such services if the person is subsequently determined to be  
183 ineligible for compensation pursuant to sections 3 and 6.

184 (d) Funds and the cost of services provided under this section shall not offset any  
185 compensation awarded pursuant to section 4.

186 SECTION 4. For 1 year after the effective date of this act, any person who meets the  
187 eligibility requirements of this act who has timely filed a claim for compensation under the  
188 previous chapter 258D of the General Laws may proceed with that claim or may file an  
189 administrative claim for compensation under this act and a notice of dismissal of the previously  
190 filed claim.

**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**

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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.

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[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.

**HOUSE . . . . . No. 2030**

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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 implement recommendations of the Commission on structural racism in the parole process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/16/2025</i>
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>4/16/2025</i>

**HOUSE . . . . . No. 2030**

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By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 2030) of Andres X. Vargas relative to structural racism in the parole process. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1805 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to implement recommendations of the Commission on structural racism in the parole process.

*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 4 of chapter 27 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
3 thereof the following paragraph:-

4           There shall be in the department, but not subject to its jurisdiction, a parole board,  
5 consisting of 9 members, to be appointed by the governor, with the advice and consent of the  
6 council, for terms of 5 years. The governor may, with the advice and consent of the council,  
7 remove members from the board for cause, upon a written certification of such cause; provided  
8 that such member shall have the right to notice and the opportunity for a public hearing before  
9 the council relative to such removal.

10 SECTION 2. Said section 4 of said chapter 27, as so appearing, is hereby further  
11 amended by inserting after the second paragraph the following paragraph:-

12 At all times, at least 3 members of the parole board shall have at least 5 years of  
13 experience in the fields of psychiatry, psychology, social work or the treatment of substance use  
14 disorders. One of those 3 members shall be a licensed mental health professional, as defined in  
15 section 1 of chapter 123. At all times, 1 of the 9 members of the board shall be someone who has  
16 been incarcerated and successfully completed the parole process; a minimum of 3 years shall  
17 have passed since the individual completed the parole process and they shall have a professional  
18 or volunteer background in at least 1 of the following areas: psychology, mental health or  
19 substance use, transitional housing, re-entry after incarceration, public safety or law. If the  
20 membership of the parole board does not comply with this paragraph, then every candidate  
21 recommended for a parole board position shall possess at least 1 of the qualifications listed  
22 above. This provision applies notwithstanding any other provision of law.

23 SECTION 3. Section 5 of said chapter 27, as so appearing, is hereby amended by adding  
24 the following paragraph:-

25 No condition of parole shall be ordered unless that condition specifically addresses the  
26 particular characteristics of the person and the crime for which they are being paroled. The  
27 parole board shall consider whether any condition ordered would have a rehabilitative effect or  
28 serve a legitimate public safety goal based on current criminal recidivism and  
29 rehabilitation research with clear and convincing evidence.

30 SECTION 4. Said chapter 27, as so appearing, is hereby amended by adding the  
31 following section:-

32 Section 8. (a) The parole board shall collect the following data for individuals  
33 incarcerated in or paroled from the correctional institutions of the commonwealth, jails or houses  
34 of correction:

35 (i) the number of parole violations by race, ethnicity, gender and type of violation;

36 (ii) the number of parole revocations, the cause of the revocation and the race, ethnicity  
37 and gender of the individual whose parole permit was revoked;

38 (iii) the number of individuals who are returned to prison for a preliminary hearing on an  
39 alleged technical parole violation and the race and ethnicity of each individual;

40 (iv) the number of individuals found to have violated a technical condition of parole at a  
41 final revocation hearing that are returned to prison;

42 (v) the number of individuals found to have committed a disciplinary infraction after  
43 being granted a parole permit;

44 (vi) the number of individuals eligible for parole who choose to forego the parole process  
45 compared to those who pursue a parole permit, by race and ethnicity;

46 (vii) the average time between the date of eligibility for parole, the parole release hearing  
47 date, the date of the parole board's decision and the actual release date, disaggregated by race,  
48 ethnicity and gender, and disaggregated by house of correction inmates, inmates serving a life  
49 sentence and inmates not serving a life sentence;

50 (viii) the average time between the date of the parole board's decision to grant a parole  
51 permit and the individual's release;

52 (ix) the percentage of individuals to whom the parole board decides to grant a parole  
53 permit but who are not released on parole;

54 (x) the percentage of individuals taken into custody for a parole violation before they  
55 have a revocation hearing; and

56 (xi) the percentage of individuals who have had their parole permit revoked and are  
57 returned to custody for a technical violation not associated with criminal activity.

58 (b) The parole board shall publish in its annual statistical report the data collected  
59 pursuant to subsection (a).

60 (c) The department of correction and the superintendents of the houses of correction shall  
61 collect data on the race and ethnicity of their employees. The department of correction shall  
62 publish this data in its annual report.

63 SECTION 5. Section 136 of chapter 127 of the General Laws, as so appearing, is hereby  
64 amended by inserting after the first paragraph the following paragraph:-

65 The parole board shall issue a detailed record of decision for all cases, including for  
66 inmates not serving a sentence for life, which shall include individual details and facts about the  
67 case that have led the board to either approve or deny parole. In the case of denial, the parole  
68 board shall provide clear instructions for becoming a better candidate for parole.

69 SECTION 6. Section 133A of said chapter 127, as so appearing, is hereby amended by  
70 adding the following paragraph:-

71 For every person who is eligible for parole, the parole board shall conduct a public  
72 hearing no later than 90 days before the person's parole eligibility date. The hearing shall be

- 73 before a panel of at least 6 members of the board for purposes of granting parole. The board shall
- 74 issue its record of decision no later than 30 days before the parole eligibility date.

# HOUSE . . . . . No. 2052

## The Commonwealth of Massachusetts

PRESENTED BY:

*Christopher J. Worrell*

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 reduce mass incarceration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/8/2025</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/23/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>1/29/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>2/3/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>2/3/2025</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/3/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/3/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/5/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/5/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/12/2025</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/21/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/21/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/24/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/12/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/13/2025</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>3/13/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>5/20/2025</i>

**HOUSE . . . . . No. 2052**

By Representative Worrell of Boston, a petition (accompanied by bill, House, No. 2052) of Christopher J. Worrell and others relative to parole and establishing a restorative justice program. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act to reduce mass incarceration.

*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 133A of chapter 127 of the General Laws as it appears in the 2014  
2 Official Edition, is hereby amended by striking, in the first sentence of the first paragraph, the  
3 phrases: “except prisoners confined to the hospital at the Massachusetts Correctional Institution,  
4 Bridgewater, except prisoners serving a life sentence for murder in the first degree who had  
5 attained the age of 18 years at the time of the murder and except prisoners serving more than 1  
6 life sentence arising out of separate and distinct incidents that occurred at different times, where  
7 the second offense occurred subsequent to the first conviction,”; and by inserting in the first  
8 paragraph after the phrase “of the minimum term fixed by the court under section 24 of chapter  
9 279.” the following sentence:- Provided, however, that in the case of a prisoner serving more  
10 than 1 life sentence arising out of separate and distinct incidents that occurred at different times,  
11 where the second offense occurred subsequent to the first conviction, such prisoner shall be  
12 eligible for parole 25 years after the start of the second or most recent sentence.

13 SECTION 2. Amend Section 133C of chapter 127 of the General Laws at it appears in  
14 the 2014 Official Edition, is hereby amended by striking, in the first paragraph, the phrase:  
15 “except prisoners serving a life sentence for murder in the first degree who had attained the age  
16 of 18 years at the time of the murder and prisoners confined to the hospital at the Massachusetts  
17 Correctional Institution, Bridgewater.”

18 SECTION 3. Subsection (a) of section 2 of chapter 265 of the General Laws as it appears  
19 in the 2014 Official Edition, is hereby amended by striking the phrase: “not be eligible for parole  
20 pursuant to section 133A of Chapter 127.”, and inserting in place thereof the phrase:- shall be  
21 eligible for parole after a term of years fixed by the court pursuant to section 24 of chapter 279.

22 SECTION 4. Amend subsection (b) of section 2 of Chapter 265 of the General Laws as it  
23 appears in the 2014 Official Edition, by inserting in the fourth line, after the words “term of  
24 years” :- but no more than 25 years, as.

25 SECTION 5. Section 24 of chapter 279 of the General Laws as it appears in the 2014  
26 Official Edition, is hereby amended by striking, in the first paragraph, the phrase: “which shall  
27 be not less than 15 years nor more than 25 years,” and insert in place thereof the phrase:- of 15  
28 years; and by striking out the second paragraph in its entirety and inserting in place thereof the  
29 following paragraph:-

30 In the case of a sentence to life imprisonment for murder in the first degree, the court  
31 shall fix a minimum term of 25 years; provided, however, that in the case of a person who  
32 committed the murder on or after the person’s fourteenth birthday and before the person’s  
33 eighteenth birthday, the court shall fix a minimum term of not less than 15 years nor more than  
34 20 years, after consideration of relevant mitigating and exacerbating circumstances; and

35 provided, however, that in the case of a person sentenced to life imprisonment for murder in the  
36 first degree adjudicated solely by a verdict of felony murder or joint venture and where the  
37 offender is not the actual killer, committed on or after the person's fourteenth birthday and  
38 before the person's eighteenth birthday, the court shall fix a minimum term of not less than 10  
39 years nor more than 12 years.

40 SECTION 6. Notwithstanding any other provision of law, section 24 of chapter 279 of  
41 the General Laws as it appears in the 2014 Official Edition shall apply to any person found guilty  
42 of murder pursuant to subsections (a), (b) or (c) of section 2 of chapter 265 prior to or after the  
43 effective date of this act.

44 SECTION 7. Subsection (b) of section 25 of chapter 279 of the General Laws as it  
45 appears in the 2014 Official Edition is hereby amended by inserting in the first paragraph after  
46 the words "for good conduct", the following phrase:- provided, however, that in the case of a  
47 person so serving a life sentence, parole eligibility will commence after serving 25 years of said  
48 sentence. And by inserting after the last paragraph of subsection (b) of section 25 the following  
49 sentence:- Notwithstanding any other provision of law, section 25(b) shall apply to any person  
50 convicted as a habitual offender pursuant to subsection (a) or (b) of section 25 of chapter 279  
51 prior to or after the effective date of this act.

52 SECTION 8. Notwithstanding any other provision of the law, except as provided by  
53 SECTION 1 of this act, no person shall be imprisoned for more than 25 years without a parole  
54 hearing at 25 years.

55 SECTION 9. The Department of Corrections shall establish a Restorative Justice program  
56 within its prisons that is available to anyone sentenced to more than 25 years in prison in order to  
57 develop a plan of reconciliation.

58 (a) The Restorative Justice program will allow the interaction between the prisoner and  
59 victims, family of the victims, the parties to a crime, and community members within the prison  
60 with the goal to identify and address harms and needs and obligations resulting from an offense  
61 in order to understand and reconcile the impact of that offense.

62 (b) Participation in a prison-based restorative justice program shall be voluntary for  
63 offenders, victims, and surviving family and community members affected by the crime.

64 (c) Participation in a prison-based restorative justice program shall not be used as  
65 evidence or as an admission of guilt, delinquency or civil liability in current or subsequent legal  
66 proceedings against any participant. Any statement made by an incarcerated person during the  
67 course of an assignment within a prison-based restorative justice program shall be confidential  
68 and shall not be subject to disclosure in any judicial or administrative proceeding and no  
69 information obtained during the course of such assignment shall be used in any stage of a  
70 criminal investigation or prosecution or civil or administrative proceeding; provided, however,  
71 that nothing in this section shall preclude any evidence obtained through an independent source  
72 or that is inevitably discovered by lawful means from being admitted at such proceeding.

73 (d) The Department of Corrections shall annually, not later than December 31, submit a  
74 report to the clerks of the House of Representatives and of the Senate, and the House and Senate  
75 chairs of the Joint Committee on the Judiciary and of Public Safety and Homeland Security  
76 regarding the implementation and operation of the program, the number of prisoners to which it

77 is available, the number of prisoners that have participated, and any recommendations for change  
78 to the program.

**SENATE . . . . . No. 1029**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

***Michael J. Barrett***

\_\_\_\_\_

*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 the public counsel fee.

\_\_\_\_\_

PETITION OF:

NAME:

*Michael J. Barrett*

DISTRICT/ADDRESS:

*Third Middlesex*

**SENATE . . . . . No. 1029**

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By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1029) of Michael J. Barrett for legislation to eliminate the public counsel fee. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 905 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to eliminate the public counsel fee.

*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. Subsection (f) of section 2A of chapter 211D of the General Laws is hereby  
2 amended by striking out in the first two sentences, each time it appears, the figure “\$150” and  
3 inserting in place thereof, in each instance, the following figure:- \$100.

4           SECTION 2. Said subsection (f) of said section 2A of said chapter 211D is hereby further  
5 amended by striking out in the first two sentences, each time it appears, the figure “\$100” and  
6 inserting in place thereof, in each instance, the following figure:- \$50.

7           SECTION 3. Said section 2A of said chapter 211D is hereby further amended by striking  
8 out subsection (f), and inserting in place thereof the following subsection:-

9           (f) Notwithstanding any general or special law to the contrary, no person determined to  
10 be indigent shall be assessed a counsel fee.

11 SECTION 4. Section 1 of this act shall take effect on July 1, 2027.

12 SECTION 5. Section 2 of this act shall take effect on July 1, 2028.

13 SECTION 6. Section 3 of this act shall take effect on July 1, 2029.

**SENATE . . . . . No. 1042**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Nick Collins*

*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 life saving treatment.

PETITION OF:

NAME:

*Nick Collins*

DISTRICT/ADDRESS:

*First Suffolk*

**SENATE . . . . . No. 1042**

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By Mr. Collins, a petition (accompanied by bill, Senate, No. 1042) of Nick Collins for legislation to require that patients admitted to a medical facility for suffering an overdose receive an evaluation by a licensed social worker before discharge. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to life saving treatment.

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

1 Notwithstanding any special or General law to the contrary:

2 If a petition for civil commitment of a patient defined by Massachusetts General Law Ch.  
3 123, Section 35 is made while the individual is in a hospital setting, the individual and their  
4 independent counsel may participate in the subsequent court hearing remotely; a court ordered  
5 evaluation pursuant to this section may be performed remotely; and no discharge of a patient  
6 who has suffered an overdose or who required the administration of an opioid antagonist shall be  
7 discharged from a medical facility until an evaluation by a licensed social worker has taken place  
8 and a meeting with a recovery coach and navigator has taken place; the discharge of a patient  
9 from a public health facility licensed under said section shall not be granted unless approved by  
10 the judge who issued the order for civil commitment;

**SENATE . . . . . No. 1066**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

***Sal N. DiDomenico***

\_\_\_\_\_

*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 addressing discriminatory police reporting.**

\_\_\_\_\_

PETITION OF:

NAME:

*Sal N. DiDomenico*

DISTRICT/ADDRESS:

*Middlesex and Suffolk*

**SENATE . . . . . No. 1066**

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1066) of Sal N. DiDomenico for legislation to address discriminatory police reporting. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 949 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act addressing discriminatory police reporting.

*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 11I of chapter 12 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by adding the following paragraph:-

3 A private civil right of action shall exist against any individual who knowingly makes a  
4 false call to law enforcement or otherwise intentionally summons a law enforcement officer or  
5 agent, without reason to suspect a violation of a criminal law, any criminal conduct or an  
6 imminent threat to person or property by an individual or group of individuals, in whole or in  
7 part because of a belief or perception of the race, color, national origin, ancestry, gender,  
8 religion, religious practice, age, disability, sexual orientation or gender identity of the individual  
9 or group of individuals. The private civil action may be brought by the individual or group of  
10 individuals for injunctive relief, damages or other appropriate relief. If the court determines in

11 any such action that the respondent has violated this section, an injunction may be issued by such  
12 court, enjoining and restraining any further violation, without requiring evidence that any person  
13 has been injured or damaged. For the purposes of this section, a person shall lack reason to  
14 suspect a violation of a criminal law, any criminal conduct or an imminent threat to person or  
15 property if a reasonable person would not suspect such a violation, conduct or threat based on the  
16 totality of the circumstances.

17 SECTION 2. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby  
18 amended by adding the following subsection:-

19 (c) Whoever knowingly makes a false police report or summons a law enforcement  
20 officer, without reason to suspect a violation of a criminal law, any criminal conduct or an  
21 imminent threat to person or property by an individual or group of individuals, in whole or in  
22 part because of a belief or perception of the race, color, national origin, ancestry, gender,  
23 religion, religious practice, age, disability, sexual orientation or gender identity of the individual  
24 shall be punished by a fine of not more than 5 thousand dollars or by imprisonment in a house of  
25 correction for not more than 2 ½ years or by both such fine and imprisonment. The court may  
26 also order restitution to the victim for property damage in an amount of not more than 3 times the  
27 value of property damage sustained by the owners of such property. For the purposes of this  
28 section, a person shall lack reason to suspect a violation of a criminal law, any criminal conduct  
29 or an imminent threat to person or property if a reasonable person would not suspect such a  
30 violation, conduct or threat based on the totality of the circumstances.

**SENATE . . . . . No. 1084**

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**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**

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

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**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.

**SENATE . . . . . No. 1086**

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**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 relative to judicial oversight.**

\_\_\_\_\_

PETITION OF:

NAME:

*James B. Eldridge*

DISTRICT/ADDRESS:

*Middlesex and Worcester*

**SENATE . . . . . No. 1086**

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1086) of James B. Eldridge for legislation relative to judicial oversight of prisons housing. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to judicial oversight.

*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 249 of the General Laws is hereby amended by inserting after section 12 the  
2 following section:-

3 Section 12A.

4 (a) A prisoner or a prisoner's legal representative, or a staff person at the request of a  
5 prisoner, may petition the district court with jurisdiction over the prisoner's place of detention or,  
6 if the prisoner is awaiting trial to the court with jurisdiction of the criminal case, may petition the  
7 court to be transferred from restrictive housing or from an environment more restrictive than the  
8 conditions in the general population. The court shall order the prisoner's requested transfer to a  
9 less restrictive environment if: (1) the prisoner has been in restrictive housing or in conditions  
10 more restrictive than the general population in the same correctional facility for more than 72  
11 hours over the course of a 144-hour period; and (2) the conditions are not reasonably calculated

12 to promote safety or security within the place of detention or the conditions are not otherwise  
13 consistent with the interests of justice.

14 (b) When a prisoner has been in restrictive housing or in conditions more restrictive than  
15 the general population in the same correctional facility for more than 72 hours over the course of  
16 a 144-hour period, and once every 24 hours thereafter that the prisoner remains in that housing, a  
17 member of the place of detention shall advise the prisoner of the prisoner's right to petition under  
18 this section and advise the prisoner that staff at the place of detention may also, at the prisoner's  
19 request, petition on the prisoner's behalf. If the prisoner requests, either orally or in writing, that  
20 staff at the place of detention petition under this subsection, an employee, representative, agent  
21 or other designee of the place of detention shall file a petition with the appropriate court within  
22 12 hours. If a prisoner, a prisoner's legal representative or a staff person files a petition in a court  
23 that lacks jurisdiction under this subsection, the clerk of the court shall, as soon as is practicable,  
24 determine the court with jurisdiction and forward the petition to that court for adjudication. The  
25 court may order periodic reviews of transfers under this subsection.

**SENATE . . . . . No. 1090**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ryan C. Fattman*

*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 dangerousness hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/27/2025</i>

**SENATE . . . . . No. 1090**

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1090) of Ryan C. Fattman and Bruce E. Tarr for legislation relative to dangerousness hearings. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 962 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to dangerousness hearings.

*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 58A of chapter 276, as appearing in the 2022 Official Edition, is hereby amended  
2 by inserting after subsection (8) the following subsection:-

3           (9) If an individual is charged for the second time with an offense listed in subsection (1)  
4 the commonwealth shall move, based on dangerousness, for an order of pretrial detention under  
5 subsection (3) or release on conditions under subsection (2).

**SENATE . . . . . No. 1095**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ryan C. Fattman*

*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 the expungement of non-convictions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/16/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/26/2025</i>

**SENATE . . . . . No. 1095**

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1095) of Ryan C. Fattman, Brian M. Ashe and Bruce E. Tarr for legislation relative to the expungement of non-convictions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 988 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to the expungement of non-convictions.

*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 100K of chapter 276 of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by inserting after subsection (c) the following new subsection:-

3 (d) Notwithstanding the requirements of section 100I and section 100J, a court may  
4 further order the expungement of a record created as a result of a criminal court appearance,  
5 juvenile court appearance or dispositions if:

6 (1) such court appearance resulted in the accused, by a final judgment, being found non-  
7 guilty of the charge or the charge is dismissed;

8 (2) a charge in a criminal case has been nolle in the Superior Court and at least thirteen  
9 months have elapsed since such nolle; or

10           (3) a charge in a criminal case has been continued at the request of the prosecuting  
11 attorney, and a period of thirteen months has elapsed since the granting of such continuance  
12 during which period there has been no prosecution or other disposition of the matter.

**SENATE . . . . . No. 1098**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Ryan C. Fattman***

\_\_\_\_\_

*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 protecting real property from warrantless searches.**

\_\_\_\_\_

PETITION OF:

NAME:

*Ryan C. Fattman*

DISTRICT/ADDRESS:

*Worcester and Hampden*

**SENATE . . . . . No. 1098**

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1098) of Ryan C. Fattman for legislation relative to state officials to obtain a warrant before entering any private property. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act protecting real property from warrantless searches.

*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. Chapter 184 of the General Laws, as appearing in the 2022 Official Edition,  
2 is hereby amended by inserting the following new section:-

3 Section 36. Warrantless Searches

4 Section 36. (a) As used in this section, the following words shall, unless the context  
5 clearly states otherwise, have the following meanings:-

6 “Government agent” any local, state, or federal official who is employed or contracted by  
7 government in this state, including any peace officer, inspector, and wildlife official.

8 “Home” any private residence that is owned, leased, used or occupied, including the  
9 curtilage surrounding the residence.

10 “Private land” land that is owned, leased, used, or occupied by a natural person or a non-  
11 government entity, including all such lands that would otherwise be considered “open fields.”

12           “Probable cause” the presence of facts and circumstances within the government agent’s  
13 knowledge that would warrant a person of reasonable caution to believe that an offense has been  
14 or is being committed. The possession, discharge, or use, by itself, of one or more items that are  
15 legal to possess does not constitute probable cause for a government agent to enter a home or  
16 private land.

17           “Warrant” a court order that is supported by individualized probable cause and executed  
18 by a magistrate or judge.

19           (b) No government agent shall enter a home or private land without a warrant except:

20           (i) After receiving the permission of the property owner, lessee, or occupant;

21           (ii) To respond to a life-threatening emergency or another immediate threat to public  
22 safety that was either reported to the agent or the agent personally observed

23           (iii) To prevent the imminent unlawful killing of wildlife or the destruction of evidence of  
24 such unlawful killing where the agent has probable cause to believe either is about to occur; or

25           (iv) To dispatch crippled or distressed wildlife the agent has personally observed.

26           Upon entering private land, the government agent shall immediately notify the  
27 landowner, lessee, or occupant if notice can be reasonably made. Unless entering under an  
28 exception in this subsection, a government agent shall show the warrant to the property owner,  
29 lessee, or occupant if they are present. If a government agent is equipped with a body-mounted  
30 camera while entering a home or private land, the camera must be activated and recording the  
31 entire time the agent is on the property. If a government agent enters private land pursuant to  
32 clause (iv) of this subsection, the agent shall produce, upon the request of the landowner, lessee,

33 or lawful occupant, an image or other photo or video evidence of the wildlife dispatched by the  
34 agent. A government agent shall not seize any private property, including currency, vehicles,  
35 weapons, tools, or wild game, from a home or private land unless: (i) the agent first acquires a  
36 warrant authorizing the seizure, or (ii) the agent has entered the home or private land with  
37 consent or under exigent circumstances and has individualized probable cause of the commission  
38 of a criminal offense.

39 (c) Any evidence obtained pursuant to a search or seizure conducted in violation of this  
40 section is inadmissible in any administrative, civil, or criminal proceeding. Any arrest made  
41 pursuant to a search or seizure conducted in violation of this section is invalid. If a government  
42 agent searches or enters a home or private land in violation of this section, a person who believes  
43 their rights have been violated may pursue an action under sections 11H through 11J, inclusive,  
44 of chapter 12 of the General Laws. In an action under subsection (b), a prevailing plaintiff may  
45 recover declaratory relief, injunctive relief, compensatory damages, nominal damages, and  
46 attorney's fees.

47 SECTION 2. This act shall take effect upon its passage.

**SENATE . . . . . No. 1106**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Dylan A. Fernandes***

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*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 police reports involving railroad fatalities.**

\_\_\_\_\_

PETITION OF:

NAME:

*Dylan A. Fernandes*

DISTRICT/ADDRESS:

*Plymouth and Barnstable*

**SENATE . . . . . No. 1106**

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By Mr. Fernandes, a petition (accompanied by bill, Senate, No. 1106) of Dylan A. Fernandes for legislation relative to police reports involving railroad fatalities. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2809 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to police reports involving railroad fatalities.

*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 160 of the General Laws, as appearing in the 2022 Official Edition, is hereby  
2 amended by adding after section 252 the following section:-

3 Section 253. (a) Any police report involving a railroad fatality and all communications  
4 between police officers and railroad crew members involved in such fatality shall not be made  
5 public and shall be maintained by the police department that responds to such fatality in a  
6 manner that shall ensure confidentiality; provided, however, that all such reports shall be  
7 accessible at all reasonable times, upon written request, to (i) the host railroad, (ii) the railroad of  
8 employ of any employee mentioned in such reports and (iii) any other person authorized by  
9 judicial order to obtain such information if access to such report is necessary in the performance  
10 of their duties; and provided further, that all such reports shall be accessible at all reasonable

11 times, upon written or electronic mail request to law enforcement officers, district attorneys or  
12 assistant district attorneys.

13 (b) Communications between police officers and railroad employees concerning any  
14 railroad fatality incident may be shared with any person listed in subsection (a) if such access is  
15 necessary to the performance of their duties.

16 (c) A violation of this section shall be punished by imprisonment for not more than 1 year  
17 or by a fine of not more than \$10,000, or both.

**SENATE . . . . . No. 1107**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Barry R. Finegold***

\_\_\_\_\_

*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 the designation of Jury Clerk in the Haverhill District Court.

\_\_\_\_\_

PETITION OF:

NAME:

*Barry R. Finegold*

DISTRICT/ADDRESS:

*Second Essex and Middlesex*

**SENATE . . . . . No. 1107**

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By Mr. Finegold, a petition (accompanied by bill, Senate, No. 1107) of Barry R. Finegold for legislation relative to the designation of Jury Clerk in the Haverhill District Court. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2538 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to the designation of Jury Clerk in the Haverhill District Court.

*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 10 of chapter 218 of the General Laws, as appearing in the 2022 Official Edition,
- 2           is hereby amended, in line 129, by inserting after the words "district court of Springfield;" the
- 3           following:- "central district court of northern Essex;"

**SENATE . . . . . No. 1114**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cindy F. Friedman***

*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 requiring clean slate automated record sealing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Adam Gómez</i>	<i>Hampden</i>	<i>1/17/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/27/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>1/29/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/29/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/10/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/19/2025</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>2/25/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>3/11/2025</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/18/2025</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>3/19/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/24/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/31/2025</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>5/15/2025</i>

**SENATE . . . . . No. 1114**

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By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1114) of Cindy F. Friedman, Adam Gomez, Joanne M. Comerford, John F. Keenan and other members of the General Court for legislation to provide easier and greater access to record sealing. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 979 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act requiring clean slate automated record sealing.

*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 172 of chapter 6 of the General Laws, as appearing in the 2022  
2 Official edition, is hereby amended by inserting after the last paragraph the following  
3 paragraph:-

4           (p) The commissioner of probation shall add information in the commissioner’s database  
5 upon said information’s receipt as to the date of a person’s release from a house of corrections,  
6 prison or jail to implement automated and expedited record sealing, and the department of  
7 criminal justice information services shall include the date of a person’s release from a house of  
8 corrections, prison, or jail for any offense as part of criminal offender record information if the  
9 date is known to the department.

10 SECTION 2. Section 18 <sup>3</sup>/<sub>4</sub> of chapter 6A of the General Laws, as so appearing, is hereby  
11 amending by inserting after the last paragraph the following paragraph:-

12 (16) Notwithstanding any other provision of this section to the contrary, the secretary  
13 shall forthwith establish and implement procedures for the department of correction, any house  
14 of corrections and any jail to report on the seventh day of each month to the commissioner of  
15 probation the names, personal identifying information, and the actual dates that any person was  
16 released from the house of corrections, jail or the department of correction during the prior  
17 month and also shall provide such information as to other dates of past release for other  
18 individuals as requested or needed by the commissioner of probation to implement automated  
19 and expedited sealing of records, and the inclusion of the dates a person was released from  
20 custody or incarceration on criminal offender and juvenile court activity record information  
21 reports.

22 SECTION 3. Section 100A of chapter 276 of the General Laws, as so appearing, is  
23 hereby amended by striking the first paragraph and inserting in place thereof the following three  
24 paragraphs:-

25 Notwithstanding any law to the contrary, a person shall not be required to file a petition  
26 or other form of a request in order to seal any record of criminal court appearances and  
27 dispositions related to a criminal offense in the commonwealth under this section after an  
28 applicable waiting period, except as specified within this section. The commissioner of probation  
29 shall establish and implement an automated process for sealing of such records. The  
30 commissioner shall seal all such records within 30 days of the time that the records became  
31 eligible for sealing under this section; provided, however, that sealing of any conviction for a sex

32 offense, as defined in section 178C of chapter 6, shall require that a person with such records file  
33 a request for sealing of such convictions with the commissioner on a form provided by the  
34 commissioner. In the event that records of any offense required to be sealed under this section  
35 without a request are not sealed due to an error or omission or lack of availability of a court  
36 record based on the age of said record, a person with such records shall not be precluded from  
37 seeking relief, and the commissioner of probation shall seal such records forthwith upon receipt  
38 of any request to seal said record from the person or the person's legal representative.

39 The commissioner of probation shall provide all defendants at the time of a conviction or  
40 other disposition of their offense or offenses with a notice that the offense or offenses may be  
41 sealed in the future without the necessity of filing a petition to seal the records, a brief summary  
42 of the sealing law, and a list of resources related to sealing of records. The clerk's office of any  
43 division of the trial court, the commissioner of probation, and any other criminal justice agency,  
44 upon request of a person whose records are sealed, or the person's legal representative, shall  
45 provide access to the sealed records to the person or the person's legal representative without  
46 said person, or legal representative obtaining a court order or having to unseal the records.

47 The commissioner of probation shall seal records of any record of criminal court  
48 appearances and dispositions related to a criminal offense or offenses in the commonwealth on  
49 file with the commissioner provided that: (1) the person's court appearance and court disposition,  
50 including any period of incarceration or custody for any misdemeanor record to be sealed  
51 occurred not less than 3 years prior to the sealing; (2) the person's court appearance and court  
52 disposition, including any period of incarceration or custody for any felony record to be sealed  
53 occurred not less than 7 years prior to the sealing; and (3) the person has not been found guilty of  
54 any criminal offense in the commonwealth in the case of a misdemeanor, 3 years prior to the

55 sealing, and in the case of a felony, 7 years prior to the sealing. This section shall apply to court  
56 appearances and dispositions of all offenses, with the exception of convictions for violations of  
57 sections 121 to 129, inclusive, sections 131A to 131D, inclusive, and section 131F of chapter  
58 140, and convictions for violations of chapter 268 and chapter 268A, which are all excluded  
59 from sealing, except for convictions for resisting arrest. A person with a possession of marijuana  
60 offense that was later decriminalized, is not precluded from seeking earlier and immediate  
61 sealing of the records, if the person files a request for such sealing on a form that shall be  
62 provided by the commissioner.

63 SECTION 4. Section 100A of said chapter 276, as so appearing, is hereby amended by  
64 inserting after the word “files”, in line 60, the following words: within 30 days of notification of  
65 such record sealing.

66 SECTION 5. Section 100B of said chapter 276, as so appearing, is hereby amended by  
67 striking out the first paragraph, and inserting in place thereof the following two  
68 paragraphs: -

69 Notwithstanding any law to the contrary, a person charged as a delinquent or youthful  
70 offender shall not be required to file a petition or other form of request in order to seal any record  
71 of criminal court appearances and dispositions related to a juvenile court offense. The  
72 commissioner of probation shall establish and implement an automated process for sealing of  
73 such records. The commissioner shall seal said records in the commonwealth on file with the  
74 commissioner within 30 days after any records become eligible for sealing after the applicable 3-  
75 year waiting period. The records shall become eligible for sealing when: (1) any court  
76 appearance or disposition including court supervision, probation, commitment or parole for the

77 records to be sealed, terminated not less than 3 years earlier; and (2) said person has not been  
78 adjudicated delinquent or as a youthful offender, found guilty of any criminal offense in the trial  
79 court of the commonwealth, or been committed as a juvenile or imprisoned within the  
80 commonwealth in the preceding 3 years. In the event that records of any offense required to be  
81 sealed under this section without a petition are not sealed due to an error or omission or lack of  
82 availability of a court record based on the age of said record, a person with such an offense shall  
83 not be precluded from seeking relief, and the commissioner of probation shall seal such records  
84 forthwith upon receipt of a request to seal said records from the person or the person's legal  
85 representative.

86           The commissioner of probation shall provide all individuals at the time of an adjudication  
87 or other final disposition of their offense or offenses with a notice that the offenses may be  
88 sealed in the future without the necessity of filing a petition to seal the records, a brief summary  
89 of the sealing law, and a list of resources related to sealing of records. The clerk's office of any  
90 division of the trial court, the commissioner of probation, or any other criminal justice agency,  
91 upon request of a person whose offense or offenses are sealed, or the person's legal  
92 representative, shall provide access to the sealed records to the person or the person's legal  
93 representative without said person, attorney or legal representative obtaining a court order or  
94 having to unseal the record.

95           SECTION 6. Section 100B of said chapter 276, as so appearing, is hereby amended by  
96 inserting after the word "files", in line 28, the following words:- within 30 days of notification of  
97 such record sealing.

98 SECTION 7. Said section 100B of said chapter 276, as so appearing, is hereby further  
99 amended by striking out, in lines 21, 37, 38 and 40, the word “delinquency” each time it appears  
100 and inserting in place thereof the following words:- juvenile court

101 SECTION 8. Said section 100B of said chapter 276, as so appearing, is hereby further  
102 amended by striking out in the fourth paragraph the words “a delinquent” and inserting in place  
103 thereof the following words:- by the juvenile court

104 SECTION 9. Section 100Q of chapter 276, as so appearing, is hereby further amended by  
105 striking out the words “or section 100B” and inserting in place thereof the following words:- ,  
106 section 100B or section 100C.

107 SECTION 10. This act shall take effect 18 months following its passage. The  
108 commissioner of probation shall commence the process of sealing records through the automated  
109 record sealing process on or before the effective date of this act.

110 SECTION 11. Notwithstanding any general law or special law to the contrary, as soon as  
111 practicable, and not later than 3 months after the effective date of this act, the commissioner of  
112 probation shall seal any other records in its computerized database of: (i) all past criminal court  
113 appearances and dispositions in the commonwealth on file with the commissioner that are  
114 eligible for sealing under section 100A of chapter 276; and (ii) all past juvenile court offenses in  
115 the commonwealth on file with the commissioner that are eligible for sealing under section 100B  
116 of chapter 276. In the event that records of any offense that is eligible for sealing are not sealed,  
117 a person with such records shall not be precluded from seeking other relief, and the  
118 commissioner of probation shall seal such records forthwith upon receipt of any request to seal  
119 said records from the person or the person’s legal representative.

SENATE . . . . . No. 2522

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 strengthening health care protections in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Andrea Joy Campbell</i>	<i>Attorney General</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/14/2025</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>4/14/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>4/14/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>4/17/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>5/19/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>5/20/2025</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>5/20/2025</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>5/27/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>5/28/2025</i>

**SENATE . . . . . No. 2522**

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By Ms. Friedman, a petition (accompanied by bill, Senate, No. 2522) (subject to Joint Rule 12) of Cindy F. Friedman, Andrea Joy Campbell, Attorney General , Joanne M. Comerford, Julian Cyr and other members of the General Court for legislation to strengthen health care protections in the Commonwealth. Health Care Financing.

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**The Commonwealth of Massachusetts**

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

An Act strengthening health care protections in the Commonwealth.

*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 7 of chapter 4 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting at the end of the twenty-sixth clause the  
3 following subsection:-

4           (w) the name, home address, personal email address, telephone number, and any other  
5 personal information of an individual engaged in the provision, facilitation, or promotion of  
6 reproductive health care services or gender-affirming health care services, as defined in section  
7 11I½ of chapter 12.

8           SECTION 2. Section 11I ½ of chapter 12 of the General Laws, as appearing in the 2022  
9 Official Edition, is hereby amended by inserting after subsection (f) the following subsections:-

10           (g) Notwithstanding any general or special law to the contrary and except as required by  
11 federal law, no state or local agency of the commonwealth or officer or employee or any other

12 person acting on behalf of a state or local agency of the commonwealth, while acting under the  
13 color of law, shall cooperate with or provide information or assistance to any federal law  
14 enforcement agency or other agency, or any other state or local law enforcement agency or other  
15 agency, or any individual or quasi-law enforcement agent, or expend or use time, money,  
16 facilities, property, equipment, personnel, or other resources in relation to an investigation or  
17 inquiry into services constituting legally-protected health care activity, as defined in section  
18 11I½ of this chapter 12, if such services would be lawful as provided if they occurred entirely in  
19 the commonwealth.

20 (h) Evidence relating to the involvement of an individual in one or more legally-protected  
21 health care activity, as defined in section 11I ½ of this chapter, shall not be offered against such  
22 individual as evidence that such party has engaged in any wrongdoing, whether civil, criminal,  
23 professional, or otherwise by virtue individual who received of such services not being  
24 physically present in the commonwealth when they received such services. Nothing in this  
25 section shall prevent a party from offering such evidence in a proceeding that (i) sounds in tort or  
26 contract; (ii) is actionable, in an equivalent or similar manner, under the laws of the  
27 commonwealth; and (iii) was brought by the patient who received reproductive health care  
28 services or gender-affirming health care services, or the patient's legal representative.

29 (i) The attorney general may bring a civil action for injunctive or other equitable relief to  
30 enforce the provisions of this section.

31 SECTION 3. Section 12 of chapter 12C of the General Laws, as appearing in the 2022  
32 Official Edition, is hereby amended by inserting after subsection (b) the following subsection:-

33 (c) Except as required by federal law, the center shall not provide access to any data,  
34 including de-identified data or any other data that would allow the identification of health  
35 information of a patient or provider in response to an out-of-state or federal inquiry or  
36 investigation into services constituting legally protected health care activity, as defined in section  
37 11I½ of chapter 12.

38 SECTION 4. Section 10B of chapter 66 of the General Laws, as appearing in the 2022  
39 Official Edition, is hereby amended by striking out, in line 20, the words “persons providing or  
40 training in family planning services,” and inserting in place thereof the following words:-  
41 persons engaged in the provision, facilitation, or promotion of reproductive health care services  
42 or gender-affirming health care services, as defined in section 11I½ of chapter 12,

43 SECTION 5. Section 75 of chapter 31 of the General Laws, as appearing in the 2022  
44 Official Edition, as amended by chapter 238 of the acts of 2024, is hereby further amended by  
45 adding the following paragraph:-

46 Nothing in this section shall be construed to permit civil service employees to furnish  
47 information to, or cooperate with, law enforcement authorities in contravention of Section 11I½  
48 of Chapter 12, Section 63 of Chapter 147.

49 SECTION 6. Chapter 93 of the General Laws is hereby amended by adding after section  
50 114 the following section:-

51 Section 115. Out-of-state warrants or subpoenas for legally protected health care  
52 information

53 (a) For the purposes of this section, the following terms shall have the following  
54 meanings:

55 (1) “Electronic communication” means any transfer of signs, signals, writing, images,  
56 sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio,  
57 electromagnetic, photoelectronic or photo-optical system; provided, however, such term shall not  
58 include: (i) any communication made through a tone only paging device; (ii) any communication  
59 made through a tracking device consisting of an electronic or mechanical device which permits  
60 the tracking of the movement of a person or object; or (iii) any communication that is  
61 disseminated by the sender through a method of transmission that is configured so that such  
62 communication is readily accessible to the public.

63 (2) “Electronic communication services” means any service which provides to users  
64 thereof the ability to send or receive wire or electronic communications.

65 (3) “Prohibited violation” means any civil or criminal offense defined under the laws of  
66 another state that creates civil or criminal liability for legally protected health care activity as  
67 defined in section 11I ½ of chapter 12.

68 (b) A business entity that operates in Massachusetts and provides electronic  
69 communication services or remote computing services to Massachusetts residents or business  
70 entities organized under the laws of the commonwealth of Massachusetts may not:

71 (1) Comply with a subpoena, warrant, other civil or criminal legal process for records,  
72 information, or assistance that the business entity knows relates to a Massachusetts resident,  
73 Massachusetts health care provider, or Massachusetts business entity in connection with legally  
74 protected health care activity, as defined in section 11I ½ of chapter 12, except as required by a

75 valid federal law, unless the subpoena, warrant, or other civil or criminal legal process includes,  
76 or is accompanied by, an attestation, made under penalty of perjury, stating that the subpoena,  
77 warrant, or other civil or criminal legal process does not seek documents, information, or  
78 testimony relating to an investigation into, or the enforcement of, another state's law that asserts  
79 criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in  
80 the provision or receipt, or attempted assistance in the provision or receipt of legally- protected  
81 health care activity that is lawful in the commonwealth of Massachusetts.

82 (2) Any false attestation submitted under this section is subject to a statutory penalty of  
83 not more than \$50,000 per violation. Submission of such attestation subjects the attester to the  
84 jurisdiction of the courts of Massachusetts for any suit, penalty, or damages arising out of a false  
85 attestation under this section.

86 (3) The attorney general may commence a civil action to compel any business entity that  
87 operates in Massachusetts and that provides electronic communications services or remote  
88 computing services to Massachusetts residents to comply with the provisions of this section.

89 SECTION 7. Section 21 of chapter 94C of the General Laws, as appearing in the 2022  
90 Official Edition, is hereby amended by inserting after the first paragraph the following  
91 paragraph:-

92 Except as required by federal law, the label for a controlled substance prescribed for  
93 "reproductive health care services" or "gender-affirming health care services," as defined in  
94 section 11I½ of chapter 12, shall, at the request of the provider, include the name of the  
95 prescribing health care practice instead of the name of the practitioner.

96 SECTION 8. Section 22 of said chapter 94C, as so appearing, is hereby amended by  
97 adding the following after subsection (c)the following subsection:-

98 (d) Notwithstanding subsection (b) and to the extent allowable under federal law, the  
99 label for a controlled substance prescribed for “reproductive health care services” or “gender-  
100 affirming health care services,” as defined in section 11I½ of chapter 12 , may include the name  
101 of the dispensing health care practice instead of the name of the dispensing practitioner.

102 SECTION 9. Section 24A of said chapter 94C, as so appearing, is hereby amended by  
103 adding the following sentence at the end of subsection (a)(1):-

104 Notwithstanding the other provisions of this section, medications specifically prescribed  
105 for reproductive health care services and gender-affirming health care services as defined in  
106 section 11I ½ of chapter 12, shall be excluded from this electronic monitoring program unless  
107 reporting of such is determined by the department to be necessary to protect the public health.

108 SECTION 10. Section 24A of said chapter 94C, as so appearing, is hereby further  
109 amended by adding the following subsection:-

110 (n) Notwithstanding any general or special law to the contrary, except as required by  
111 federal law, the department shall not provide disaggregated data or individually identifiable data  
112 from the prescription drug monitoring program to a federal law enforcement agency or other  
113 agency, or any other state or local law enforcement agency or other agency, or any private citizen  
114 or entity or quasi-law enforcement agent in relation to an investigation or inquiry into  
115 reproductive health care services or gender-affirming health care services, as defined in section  
116 11I½ of chapter 12, if such services would be lawful as provided if they occurred entirely in the  
117 commonwealth. This section shall not be construed to apply to prescription drugs for usages,

118 including off-label usages, that are unrelated to reproductive health care services or gender-  
119 affirming health care services.

120 SECTION 11. Chapter 111 of the General Laws is hereby amended by adding after  
121 section 51 the following section:-

122 Section 51¼. Emergency medical treatment

123 (a) For purposes of this section the following words shall have the following meaning,  
124 unless the context clearly requires otherwise:-

125 “Emergency medical condition”, a medical condition manifesting itself by acute  
126 symptoms of sufficient severity such that the absence of immediate medical attention could  
127 reasonably be expected to result in: (i) placing the health of the applicant in serious jeopardy; (ii)  
128 serious impairment of bodily functions; or (iii) serious dysfunction of any bodily organ or part.  
129 Such conditions include, but are not limited to, when a pregnant patient is experiencing ectopic  
130 pregnancy, complications of pregnancy loss or abortion, risks to future fertility, preterm  
131 premature rupture of membranes (PPROM), placental abruption or bleeding from placenta previa  
132 or emergent hypertensive disorders, such as preeclampsia and eclampsia, and peripartum  
133 cardiomyopathy.

134 “Stabilizing treatment”, includes abortion when abortion is necessary to resolve the  
135 applicant’s injury or emergency medical condition.

136 (b) All acute-care hospitals licensed under section 51G of chapter 111, during all  
137 operating hours of an emergency department or a satellite emergency facility as defined in  
138 section 51½ of chapter 111, shall provide hospital emergency services to any applicant who

139 applies for the same in case of injury or an emergency medical condition. For purposes of this  
140 section, “applicant” includes any person who presents at the hospital or who is brought to a  
141 hospital by ambulance or specialized emergency medical services vehicle as defined in section 1  
142 of chapter 111C. Hospitals shall furnish hospital emergency services including but not limited to,  
143 medical screening by qualified medical personnel to reach with reasonable clinical confidence a  
144 determination of whether an applicant has an emergency medical condition, and the provision of  
145 necessary stabilizing treatment for applicants with an emergency medical condition. Hospitals  
146 shall further establish and maintain policies and procedures for the provision of hospital  
147 emergency services, including for an applicant’s refusal to consent, restricting transfers until the  
148 applicant is stabilized, appropriate transfers of applicants, nondiscrimination, no delay in  
149 examination or treatment, and whistleblower protections.

150 (c) The department shall have the authority to promulgate such regulations as may be  
151 necessary to implement the provisions of this section.

152 (d) The attorney general may bring a civil action for injunctive or other equitable relief to  
153 enforce the provisions of this section. In any action brought by the attorney general under this  
154 section, the court may also award a civil penalty of not more than ten thousand dollars for each  
155 violation.

156 SECTION 12. Said chapter 111 is hereby amended by adding after section 70H the  
157 following section:-

158 Section 70I. Prohibiting disclosure of legally protected health care information

159 (a) For the purposes of this section, the term “business” shall mean:

160 (1) Any business organized for the purpose of maintaining medical information in order  
161 to make an individual's medical information available to an individual or to a provider of health  
162 care at the request of the individual or a provider of health care, for purposes of allowing the  
163 individual to manage the individual's medical information, or for the diagnosis and treatment of  
164 the individual; or

165 (2) Any business that offers medical recordkeeping, electronic health record, or electronic  
166 medical record services, including, but not limited to software or hardware to consumers that  
167 makes an individual's medical information available to an individual or a provider of health care  
168 at the request of the individual or a provider of health care, for purposes of allowing the  
169 individual to manage the individual's medical information, or for the diagnosis, treatment, or  
170 management of a medical condition of the individual; or

171 (3) Any business that is licensed by the department of public health or the department of  
172 mental health to provide medical, clinical, behavioral, or health services; or

173 (4) Any business that offers a digital service to a consumer for the purpose of allowing  
174 the individual to manage the individual's reproductive or sexual health information, or for the  
175 diagnosis, treatment, or management of a reproductive or sexual health medical condition of the  
176 individual.

177 (b) A business, as described in subsection (a), that electronically stores or maintains  
178 medical information related to the provision of abortion or abortion-related health care services,  
179 miscarriage management, in vitro fertilization, and gender-affirming health care services,  
180 including, but not limited to, on an electronic health record system or electronic medical record  
181 system, on behalf of a provider of health care, health care insurance plan, pharmaceutical

182 company, contractor, or employer, shall develop capabilities, policies and procedures to enable,  
183 and shall enable, all of the following:

184 (1) Limit user access privileges to information systems that contain medical information  
185 related to abortion or abortion-related health care services, miscarriage management, in vitro  
186 fertilization, and gender-affirming health care services only to those persons who are authorized  
187 in writing by the patient to access specified medical information.

188 (2) Prevent the disclosure, access, transfer, transmission, or processing of medical  
189 information related to abortion or abortion-related health care services, miscarriage management,  
190 in vitro fertilization, or gender-affirming health care services to persons and entities outside of  
191 this commonwealth, absent the express written consent of the patient, independent of any other  
192 agreement, that specifically authorizes the disclosure, access, transfer, transmission, or  
193 processing of medical information to the named persons or entities outside of this  
194 commonwealth.

195 (3) Automatically disable access by individuals and entities outside this commonwealth  
196 to segregated medical information related to abortion or abortion-related health care services,  
197 miscarriage management, in vitro fertilization, or gender-affirming health care services, absent  
198 the express written consent of the patient that specifically authorizes access by named persons or  
199 entities outside of this commonwealth to such segregated medical information

200 (c) The department of public health shall have the authority to promulgate such  
201 regulations for licensed providers and entities as may be necessary to implement the provisions  
202 of this section.

203 (d) The department of public health shall promulgate a consent form that meets the  
204 requirements of this section and require its use by all licensed health care providers in the  
205 commonwealth.

206 (e) The attorney general may bring a civil action for injunctive or other equitable relief to  
207 enforce the provisions of this section. In any action brought by the attorney general under this  
208 section, the court may also award a civil penalty of not more than five thousand dollars for each  
209 violation.

210 SECTION 13. Section 12Q of chapter 112 of the General Laws, as appearing in the 2022  
211 Official Edition, is hereby amended by adding the following paragraph:-

212 The commissioner of public health shall not, pursuant to this section, collect, maintain,  
213 use, disclose, or disseminate disaggregated surveillance data or individually identifiable  
214 surveillance data on abortions performed in the commonwealth. The name, home address,  
215 personal email address, and telephone number of individuals engaged in the provision,  
216 facilitation, or promotion of reproductive health care services, as defined in section 11I½ of  
217 chapter 12, shall not be considered a public record under chapter 66 of the general laws.

218 SECTION 14. Said chapter 112 is hereby further amended by adding after section 12Q  
219 the following section:-

220 Section 12Q½. Collection of data on gender-affirming health care

221 The commissioner of public health shall not collect, maintain, or use individually  
222 identifiable data on gender-affirming health care services provided in the commonwealth, as  
223 defined in section 11I ½ of chapter 12, except as authorized by law, and shall not disclose, or

224 disseminate disaggregated data or individually identifiable surveillance data on gender-affirming  
225 health care services, as defined in section 11I ½ of chapter 12, provided in the commonwealth.  
226 The name, home address, personal email address, and telephone number of individuals engaged  
227 in the provision, facilitation, or promotion of gender-affirming health care services, as defined in  
228 section 11I½ of chapter 12, shall not be considered a public record under chapter 66 of the  
229 general laws.

230 SECTION 15. Section 61 of said chapter 112, as so appearing, is hereby further amended  
231 by adding the following paragraphs:-

232 Notwithstanding any general or special law to the contrary, no person shall be subject to  
233 discipline by the boards, including the revocation, suspension or cancellation of the certificate of  
234 registration or license or reprimand, censure or monetary fine, for providing or assisting in the  
235 provision of reproductive health care services or gender-affirming health care services, as those  
236 terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction  
237 arising from such health care services if the services as provided would have been lawful and  
238 consistent with the standard of conduct for the designated profession if they occurred entirely in  
239 the commonwealth.

240 The boards shall not make available for public dissemination on an individual's profile  
241 the record of any criminal conviction or charge for a felony or serious misdemeanor, final  
242 disciplinary action by a licensing board in another state or a malpractice court judgment,  
243 arbitration award or settlement that resulted from providing or assisting in the provision of  
244 reproductive health care services or gender-affirming health care services or for any judgment,  
245 discipline or other sanction arising from such health care services if the services as provided

246 would have been lawful and consistent with the scope and standards of practice for the  
247 designated profession if they occurred entirely in the commonwealth.

248 The boards shall not take adverse action on an application for registration or licensure  
249 based on a criminal or civil action or disciplinary action by a licensing board of another state or a  
250 medical malpractice claim in another state arising from such health care services that, as  
251 provided, would have been lawful and consistent with the standard of conduct for the designated  
252 profession if they occurred entirely in the commonwealth.

253 SECTION 16. Section 63 of chapter 147 of the General Laws, as appearing in the 2022  
254 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof  
255 the following subsections:-

256 (b) Notwithstanding any general or special law to the contrary and except as required by  
257 federal law, no state or local law enforcement agency or officer or employee or any other person  
258 acting on behalf of a state or local law enforcement agency of the commonwealth, while acting  
259 under color of law, shall provide information or assistance to a federal law enforcement agency  
260 or any other state's agency, including a law enforcement agency, or any private citizen or quasi-  
261 law enforcement agent, or expend or use time, money, facilities, property, equipment, personnel,  
262 or other resources in relation to an investigation or inquiry into services constituting legally-  
263 protected health care activity, as defined in section 11I½ of chapter 12, if such services would be  
264 lawful as provided if they occurred entirely in the commonwealth.

265 (c) The attorney general may bring a civil action for injunctive or other equitable relief to  
266 enforce the provisions of this section.

267 SECTION 17. Chapter 175 of the General Laws is hereby amended by adding after  
268 section 193U the following section:-

269 Section 193V. Discrimination on the basis of legally protected health care activity

270 No insurance company offering for sale any policy of insurance shall discriminate against  
271 a nonprofit charitable organization, including those corporations qualified under 26 USC section  
272 501(c)(3), or adjust or otherwise calculate such nonprofit charitable organization's risk  
273 classification or premium charges in the provision of any form of liability insurance covering  
274 negligence, wrongful acts, errors or omissions of the organization and its respective members,  
275 directors and officers, on the basis that, applying the definitions of section 11I½ of chapter 12: (i)  
276 the organization offers reproductive health care services or gender-affirming health care services;  
277 (ii) the organization engages in legally-protected health care activity; or (iii) the organization is  
278 or may be the subject of abusive litigation.

279 SECTION 18. Chapter 209B of the General Laws is hereby amended by adding after  
280 section 14 the following section:-

281 Section 15. Other state bans on gender-affirming health care for minors

282 (a) A law of a jurisdiction outside the commonwealth that authorizes a child to be  
283 removed from the care or custody parent or guardian based on the parent or guardian allowing  
284 their child to receive gender-affirming care health care services, as defined in section 11I½ of  
285 chapter 12, or that bans the provision of gender-affirming care, shall not provide a basis to alter  
286 custody, parenting, time, or visitation, or to make a finding of abuse, neglect or maltreatment, in  
287 a case pending in a court in the commonwealth, unless conduct under such law would constitute  
288 abuse, neglect or maltreatment under the laws of the commonwealth.

289 (b) No court in the commonwealth shall admit or consider a finding of abuse, neglect or  
290 maltreatment based on the parent or guardian allowing their child to receive or seek gender-  
291 affirming health care services, or a finding that a parent or guardian is criminally, civilly, or  
292 otherwise liable for violating another's state's law that bans the provision of gender-affirming  
293 health care, as defined in section 11I ½ of chapter 12, as evidence in any proceeding with respect  
294 to that parent or guardian and any of their children, unless such conduct would constitute abuse,  
295 neglect or maltreatment under the laws of the commonwealth.

296 SECTION 19. Chapter 221 of the General Laws is hereby amended by adding after  
297 section 40 the following section:-

298 Section 40A. Removal or discipline of attorneys representing individuals engaged in  
299 reproductive or gender-affirming health care

300 Notwithstanding any general or special law or rule or regulation to the contrary, no  
301 attorney licensed in the commonwealth may be removed or otherwise subject to discipline,  
302 including the revocation, suspension or cancellation of the attorney's license or reprimand,  
303 censure, or monetary fine, for advising or representing a client or prospective client related to the  
304 provision of reproductive health care services or gender-affirming health care services, as  
305 defined in section 11I ½ of chapter 12, if the sole reason for such removal or discipline is that: (i)  
306 the client offered, provided, or received reproductive health care services or gender-affirming  
307 health care services that are unlawful in another state, or (ii) another state's laws creates actual or  
308 potential liability for the reproductive health care services or gender-affirming health care  
309 services offered, provided, or received by the client, or (iii) the attorney is subject to actual or  
310 potential liability, or removal or discipline, in another jurisdiction based on the reproductive

311 health care services or gender-affirming health care services offered, provided, or received by the  
312 client, so long as the attorney's conduct otherwise complies with the laws of the commonwealth  
313 and meets the standards set forth in the Rules of Professional Responsibility promulgated by the  
314 Supreme Judicial Court.

315 SECTION 20. Subsection (b) of section 70I of chapter 111, as amended by section 10,  
316 shall be implemented by businesses no later than July 1, 2026.

**SENATE . . . . . No. 1124**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gómez*

*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 remove collateral consequences and protect the presumption of innocence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam Gómez</i>	<i>Hampden</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/1/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/1/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>2/11/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/20/2025</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>2/27/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/1/2025</i>

**SENATE . . . . . No. 1124**

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By Mr. Gomez, a petition (accompanied by bill, Senate, No. 1124) of Adam Gomez, Joanne M. Comerford, Rebecca L. Rausch, Sean Reid and other members of the General Court for legislation to remove collateral consequences and protect the presumption of innocence. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 998 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to remove collateral consequences and protect the presumption of innocence.

*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 172(a)(3) of chapter 6, as appearing in the 2022 Official Edition, is  
2 hereby amended by striking the number “10” in the second sentence in subsection (i) and  
3 inserting in place thereof, the following number: - 7.

4           SECTION 2. Section 172(a)(3) of chapter 6, as appearing in the 2022 Official Edition, is  
5 hereby amended by striking the number “5” in subsection (ii) and inserting in place thereof, the  
6 following number: - 3.

7           SECTION 3. Section 172 of chapter 6, as appearing in the 2022 Official Edition, is  
8 hereby amended by adding after subsection (o), the following new subsection :- (p) When the  
9 department provides any requestor with criminal offender record information about any pending

10 charge or any offense that did not result in a criminal conviction, the department shall provide a  
11 written statement to the requestor that “A presumption of innocence applies to an individual with  
12 an offense that did not result in a conviction or is still pending.”

13 SECTION 4. Section 100B of chapter 276, as appearing in the 2022 Official Edition, is  
14 hereby amended after the last sentence in the first paragraph, the following paragraph:-

15 Notwithstanding the above provisions, the clerk and the commissioner shall seal all  
16 records related to any offense immediately if the offense did not result in an adjudication, absent  
17 an objection from the juvenile upon final disposition of the offense, including completion of any  
18 period of court-ordered supervision or other court ordered conditions related to the offense. The  
19 juvenile shall not be required to file a petition or other request to seal the offense or offenses. A  
20 juvenile who objected to sealing of an offense shall be permitted to request sealing of the same  
21 offense at a later time, and the commissioner shall seal any such eligible offense upon request.

22 SECTION 5. Said section 100B of said chapter 276, as so appearing in the 20--, is hereby  
23 further amended by striking out in the second sentence of the second paragraph, the word  
24 “delinquency” and replacing it wherever it appears in the sentence with the following words: -  
25 juvenile court

26 SECTION 6. Section 100C of chapter 276, as appearing in the 2022 Official Edition, is  
27 hereby amended by striking the first and second paragraph and inserting in place thereof the  
28 following paragraphs:-

29 (a) Whenever a criminal court offense does not result in a conviction, the clerk and the  
30 commissioner shall seal all records related to the offense immediately absent an objection from  
31 the defendant upon final disposition of the offense, including completion of any period of court-

32 ordered supervision or other court ordered conditions for the offense. The individual shall not be  
33 required to file a petition or other request to seal the charge or charges. A person who objects to  
34 sealing that did not result in a conviction shall be permitted to request sealing of the same  
35 offense at a later time, and the commissioner shall seal any such eligible offense upon request.  
36 Nothing in this section shall prohibit the commissioner from sealing any eligible offense  
37 pursuant to section 100A of this chapter.

38 (b) There shall be no waiting period for any offense that did not result in a conviction or  
39 “guilty file” disposition. For the purposes of this section, a conviction is defined only as a finding  
40 of guilt and does not include a continuance without a finding or a “file” disposition without a  
41 finding of guilt.

42 SECTION 7. Section 100Q of chapter 276, as appearing in the 2022 Official Edition, is  
43 hereby amended by inserting after the first sentence the following sentence: -

44 The clerk’s office of any division of the trial court, the commissioner of probation, or any  
45 other criminal justice agency, upon request of a person whose offense or offenses are sealed, or  
46 the person’s legal representative, shall provide access to the sealed records to the individual or  
47 the individual’s legal representative without said person or legal representative obtaining a court  
48 order to unseal the record or taking other action. Any fee for copies of said records shall be  
49 waived if the person whose records were sealed is indigent.

**SENATE . . . . . No. 1125**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gómez*

*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 modernize the roles and responsibilities of the victim and witness assistance board.

PETITION OF:

NAME:

*Adam Gómez*

DISTRICT/ADDRESS:

*Hampden*

**SENATE . . . . . No. 1125**

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By Mr. Gomez, a petition (accompanied by bill, Senate, No. 1125) of Adam Gomez for legislation to modernize the roles and responsibilities of the victim and witness assistance board. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 995 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to modernize the roles and responsibilities of the victim and witness assistance board.

*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 3 of chapter 258B, as appearing in the 2022 Official Edition, is  
2 hereby amended by striking the last paragraph beginning with the words “there shall be  
3 conspicuously posted” and inserting the following:-

4           There shall be conspicuously posted in all courthouses and police stations a summary of  
5 the rights afforded under this section. To satisfy this requirement, the victim and witness  
6 assistance board, pursuant to section 4, shall provide information on the rights afforded to  
7 victims and witnesses to court officials and police chiefs. Information may be provided in printed  
8 or digital formats. The board shall provide information in the top five languages spoken at home,  
9 other than English, as provided by the most recent federal census data.

10 SECTION 2. Section 4 of said chapter 258B, as appearing in the 2022 Official Edition, is  
11 hereby amended by striking the word “him” in the second paragraph and inserting the following  
12 word:- them

13 SECTION 3. Said Section 4 of chapter 258B, as so appearing, is hereby further amended  
14 by striking the fourth paragraph and inserting the following paragraphs:-

15 The board shall establish, adopt, and maintain bylaws relative to the operation of internal  
16 governance.

17 In addition to the foregoing, the board shall:

18 (a) fund and support services that are available to victims across the commonwealth;

19 (b) provide professional development and community education opportunities for  
20 Massachusetts victim services providers, victims, and allied professionals, including sharing  
21 information relative to the victim and witness rights and services established under this chapter;

22 (c) advocate for policy and legislative initiatives related to access and support for  
23 victims’ rights and services including but not limited to funding;

24 (d) assume the management and administration of the Garden of Peace, a public  
25 memorial garden located on the plaza of 100 Cambridge street in the city of Boston to honor  
26 victims of homicide, to receive gifts or grants of money or property to assist the board in the  
27 maintenance and operation of the memorial and to establish an advisory committee which shall  
28 consist of interested residents appointed by the victim witness assistance board to provide advice  
29 to the board;

30 (e) administer the SAFEPLAN advocacy program.

31           SECTION 4. Section 6 of said chapter 258B, as appearing in the 2022 Official Edition, is  
32 hereby amended by striking the words “the board”.

**SENATE . . . . . No. 1128**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gómez*

*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 implement recommendations of the commission on structural racism in the parole process.

PETITION OF:

NAME:

*Adam Gómez*

DISTRICT/ADDRESS:

*Hampden*

**SENATE . . . . . No. 1128**

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By Mr. Gomez, a petition (accompanied by bill, Senate, No. 1128) of Adam Gomez relative to structural racism in the parole process. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1805 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to implement recommendations of the commission on structural racism in the parole process.

*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 4 of chapter 27 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
3 thereof the following paragraph:-

4           There shall be in the department, but not subject to its jurisdiction, a parole board,  
5 consisting of 9 members, to be appointed by the governor, with the advice and consent of the  
6 council, for terms of 5 years. The governor may, with the advice and consent of the council,  
7 remove members from the board for cause, upon a written certification of such cause; provided  
8 that such member shall have the right to notice and the opportunity for a public hearing before  
9 the council relative to such removal.

10 SECTION 2. Said section 4 of said chapter 27, as so appearing, is hereby further  
11 amended by inserting after the second paragraph the following paragraph:-

12 At all times, at least 3 members of the parole board shall have at least 5 years of  
13 experience in the fields of psychiatry, psychology, social work or the treatment of substance use  
14 disorders. One of those 3 members shall be a licensed mental health professional, as defined in  
15 section 1 of chapter 123. At all times, 1 of the 9 members of the board shall be someone who has  
16 been incarcerated and successfully completed the parole process; a minimum of 3 years shall  
17 have passed since the individual completed the parole process and they shall have a professional  
18 or volunteer background in at least 1 of the following areas: psychology, mental health or  
19 substance use, transitional housing, re-entry after incarceration, public safety or law. If the  
20 membership of the parole board does not comply with this paragraph, then every candidate  
21 recommended for a parole board position shall possess at least 1 of the qualifications listed  
22 above. This provision applies notwithstanding any other provision of law.

23 SECTION 3. Section 5 of said chapter 27, as so appearing, is hereby amended by adding  
24 the following paragraph:-

25 No condition of parole shall be ordered unless that condition specifically addresses the  
26 particular characteristics of the person and the crime for which they are being paroled. The  
27 parole board shall consider whether any condition ordered would have a rehabilitative effect or  
28 serve a legitimate public safety goal based on current criminal recidivism and rehabilitation  
29 research with clear and convincing evidence. SECTION 4. Said chapter 27, as so appearing, is  
30 hereby amended by adding the following section:-

31 Section 8. (a) The parole board shall collect the following data for individuals  
32 incarcerated in or paroled from the correctional institutions of the commonwealth, jails or houses  
33 of correction:

34 (i) the number of parole violations by race, ethnicity, gender and type of violation;

35 (ii) the number of parole revocations, the cause of the revocation and the race, ethnicity  
36 and gender of the individual whose parole permit was revoked;

37 (iii) the number of individuals who are returned to prison for a preliminary hearing on an  
38 alleged technical parole violation and the race and ethnicity of each individual;

39 (iv) the number of individuals found to have violated a technical condition of parole at a  
40 final revocation hearing that are returned to prison;

41 (v) the number of individuals found to have committed a disciplinary infraction after  
42 being granted a parole permit;

43 (vi) the number of individuals eligible for parole who choose to forego the parole process  
44 compared to those who pursue a parole permit, by race and ethnicity;

45 (vii) the average time between the date of eligibility for parole, the parole release hearing  
46 date, the date of the parole board's decision and the actual release date, disaggregated by race,  
47 ethnicity and gender, and disaggregated by house of correction inmates, inmates serving a life  
48 sentence and inmates not serving a life sentence;

49 (viii) the average time between the date of the parole board's decision to grant a parole  
50 permit and the individual's release;

51 (ix) the percentage of individuals to whom the parole board decides to grant a parole  
52 permit but who are not released on parole;

53 (x) the percentage of individuals taken into custody for a parole violation before they  
54 have a revocation hearing; and

55 (xi) the percentage of individuals who have had their parole permit revoked and are  
56 returned to custody for a technical violation not associated with criminal activity.

57 (b) The parole board shall publish in its annual statistical report the data collected  
58 pursuant to subsection (a).

59 (c) The department of correction and the superintendents of the houses of correction shall  
60 collect data on the race and ethnicity of their employees. The department of correction shall  
61 publish this data in its annual report.

62 SECTION 5. Section 136 of chapter 127 of the General Laws, as so appearing, is hereby  
63 amended by inserting after the first paragraph the following paragraph:-

64 The parole board shall issue a detailed record of decision for all cases, including for  
65 inmates not serving a sentence for life, which shall include individual details and facts about the  
66 case that have led the board to either approve or deny parole. In the case of denial, the parole  
67 board shall provide clear instructions for becoming a better candidate for parole.

68 SECTION 6. Section 133A of said chapter 127, as so appearing, is hereby amended by  
69 adding the following paragraph:-

70 For every person who is eligible for parole, the parole board shall conduct a public  
71 hearing no later than 90 days before the person's parole eligibility date. The hearing shall be

- 72 before a panel of at least 6 members of the board for purposes of granting parole. The board shall
- 73 issue its record of decision no later than 30 days before the parole eligibility date.

**SENATE . . . . . No. 1129**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gómez*

*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:

*Adam Gómez*

DISTRICT/ADDRESS:

*Hampden*

**SENATE . . . . . No. 1129**

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By Mr. Gomez, a petition (accompanied by bill, Senate, No. 1129) of Adam Gomez for legislation to eliminate standard conditions in probation. The Judiciary.

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[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.

**SENATE . . . . . No. 1132**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 compensation for victims of wrongful conviction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2025</i>
<i>Adam Gómez</i>	<i>Hampden</i>	<i>3/4/2025</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/21/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/31/2025</i>

**SENATE . . . . . No. 1132**

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1132) of Patricia D. Jehlen, Joanne M. Comerford and Adam Gomez for legislation relative to compensation for victims of wrongful conviction. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1011 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to compensation for victims of wrongful conviction.

*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 9 of chapter 211D of the General Laws, as appearing in the 2022  
2   Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof  
3   the following subsection:-

4           (e) a method for the provision of social services including, but not limited to, referrals for  
5   transitional services relating to the physical, social and emotional needs of persons after release  
6   from incarceration;

7           SECTION 2. Chapter 211D of the General Laws is hereby amended by adding the  
8   following section:-

9           Section 18. The committee shall establish, supervise and maintain a system for the  
10 assignment of social service advocates to assist indigents who are eligible for transitional  
11 assistance pursuant to chapter 258D.

12           SECTION 3. Chapter 258D of the General Laws is hereby repealed and replaced with  
13 the following chapter:-

14           Section 1. (a) There shall be within the office of the attorney general a division of  
15 erroneous felony convictions compensation that shall administer the provisions of this chapter,  
16 referred to throughout this chapter as the division. The attorney general shall designate a  
17 program director for the division who shall be a licensed attorney with experience in criminal  
18 law and erroneous convictions. The director may appoint and remove, subject to the approval of  
19 the attorney general, such investigative, legal and clerical or other staff as the work of the  
20 division requires. The director shall prepare an annual report which shall include the number of  
21 applications received, the number of applications granted and denied, and the number of hearings  
22 held before the division director or its staff. The director shall file such report annually to the  
23 general court and governor.

24           (b) The program director may promulgate rules and regulations pursuant to chapter 30A  
25 as may be necessary to carry out the provisions of this chapter.

26           (c) The program director may apply for and receive sums which may be transmitted to  
27 the erroneous felony convictions compensation fund maintained by the treasurer and for any  
28 other such funds as may become available to administer the requirements of this chapter.

29           Section 2. (a) A person shall be eligible to receive compensation and services through an  
30 administrative claims process for erroneous felony conviction if:

- 31 (i) the person was convicted of an offense classified as a felony;
- 32 (ii) the person did not plead guilty to the offense charged, or to any lesser included  
33 offense, unless such guilty plea was withdrawn, vacated or nullified by operation of law on a  
34 basis other than a claimed deficiency in the plea warnings required by section 29 D of chapter  
35 278;
- 36 (iii) the person was sentenced to incarceration for not less than 1 year in state prison or  
37 a house of correction as a result of the conviction and has served all or any part of such sentence;  
38 the person was incarcerated on the basis of the conviction for the offense that is the subject of the  
39 claim; and
- 40 (iv) (A) the person has been granted a full pardon for such offense pursuant to section  
41 152 of chapter 127, and the governor states that the pardon was granted because there is a  
42 reasonable possibility that the individual is innocent; or
- 43 (B) (i) the person has been granted judicial relief by a state court of competent  
44 jurisdiction on grounds specific to the person's case, and that judicial relief vacates or reverses  
45 the judgment of a felony conviction; and
- 46 (a) the felony indictment or complaint used to charge the person with such felony has  
47 been dismissed; or
- 48 (b) a new trial was ordered, the person was not retried and the felony indictment or  
49 complaint was dismissed, or a nolle prosequi was entered; or (c) a new trial was ordered and the  
50 person was found not guilty at the new trial; and
- 51 (ii) 60 days have passed since the judgment of conviction was reversed or vacated, and

52 (a) the district attorney or the attorney general has not filed any felony charges against the  
53 person for any act associated with the felony conviction that is the subject of the claim, or

54 (b) if the district attorney or attorney general did file felony charges against the person for  
55 an act associated with the felony conviction that is the subject of the claim, those felony charges  
56 were dismissed, a nolle prosequi was entered, or the defendant was found not guilty at the new  
57 trial.

58 (b) For the purposes of this chapter “conviction” or “convicted” shall include an  
59 adjudication as a youthful offender, if such adjudication resulted in the youthful offender’s  
60 incarceration in a house of correction or state prison.

61 (c) Pursuant to this section, the committee for public counsel services shall appoint  
62 counsel for any individual who is indigent and eligible to apply for relief under this chapter.

63 (d) A person shall not be entitled to compensation from the commonwealth for any  
64 incarceration or portion thereof, which was or will be credited toward a sentence for, or during  
65 which the claimant was also serving a concurrent sentence for, the conviction of a lesser included  
66 offense or of another offense that does not itself meet the eligibility requirements of section 2. In  
67 those cases in which only a pardon from the governor is used to support a claim for  
68 compensation brought under this chapter, the subsequent exercise of the governor’s authority to  
69 revoke such pardon pursuant to section 150 of chapter 127 shall immediately negate the validity  
70 of any such claim.

71 Section 3. A person who meets the eligibility requirements of section 2 may present an  
72 administrative claim for such compensation and services to the division. A person eligible under  
73 section 2 shall be referred to throughout this chapter as the claimant.

74 (a) The claimant shall attach to the claim:

75 (i) a sworn statement asserting innocence;

76 (ii) certified copies of the mittimus that shows the claimant's sentence to incarceration  
77 and the warrants necessary to grant a pardon pursuant to section 152 of chapter 127; or criminal  
78 case docket entries or documents related thereto in the case of judicial relief, including but not  
79 limited to a copy of the judicial decision and any relevant pleadings that support the claim for  
80 post-conviction relief; and

81 (iii) a statement from the department of correction or other authority verifying the length  
82 of incarceration.

83 For the purposes of this section, a claim for compensation or services shall not be deemed  
84 to have been submitted until all documents required of the claimant by the division have been  
85 submitted.

86 (b) The division shall have 30 days after the division receives the documents a claimant  
87 has initially transmitted in the form of a claim to notify the claimant in writing of any omissions  
88 or deficiencies in the claim submission and provide the claimant with opportunity to complete  
89 the claim submission and correct such omissions or deficiencies. Any claim not completed by the  
90 expiration of the limit included in Section 5 shall be deemed unsupported and closed.

91 (c) If the division determines a claimant's eligibility solely on the basis of the claim and  
92 supporting documents, the division shall order immediate payment to the claimant under section  
93 4 without a hearing.

94 (d) If the division determines that a claim and supporting documents are not sufficient to  
95 establish eligibility under section 2 , the division shall hold a hearing on the claim. The hearing  
96 shall be set to occur within 60 days after the date upon which the claim was submitted. Prior to  
97 the hearing, the division shall notify the claimant in writing of the deficiencies in the claim  
98 submission that necessitates the hearing and allow for the submission of any information the  
99 claimant offers for eligibility. The division may cancel the hearing if the claimant's further  
100 submissions establish eligibility, and the division shall issue such decision. At the hearing, the  
101 claimant shall have the burden of establishing by a preponderance of the evidence that such  
102 person meets the eligibility requirements of section 2.

103 (e) The division shall approve or reject a claim for compensation or services filed within  
104 60 days after the hearing. The division shall provide written notice of its decision to the person  
105 who filed the petition. The written notice shall include any amount due to the claimant, as  
106 specified in section 4, and any services to be provided to the claimant.

107 (f) With respect to a claim that involves an offense prosecuted by the attorney general's  
108 office, the attorney general shall duly appoint, pursuant to chapter 12, a special assistant attorney  
109 with experience in criminal law and erroneous convictions to administer the provisions of this  
110 chapter. The attorney general's office shall in all respects treat such claims as presenting an  
111 unwaivable conflict of interest.

112 Section 4. (a) If the division determines that the claimant has established eligibility under  
113 section 2 by a preponderance of the evidence, the division shall order the payment to such person  
114 of compensation for such erroneous felony conviction.

115 (b) Except as limited by the provisions of this chapter, a person determined to be eligible  
116 for compensation shall receive \$115,000 per year of incarceration, and not less than \$57,500 for  
117 each year the person was on parole or probation, or for each year the person was required to  
118 register as a sex offender, whichever period of time was greater.

119 (c) These awards shall be adjusted for inflation using the Consumer Price Index for all  
120 urban consumers. This adjustment shall not result in a reduction of the amount calculated in the  
121 prior year.

122 (d) Any partial year of incarceration for the erroneous felony conviction shall be prorated  
123 in order to compensate only for the portion of such year in which such person was incarcerated.

124 (e) If a person is determined to be eligible for compensation under section 2, the person  
125 shall also be eligible for other services, including:

126 (i) waiver of tuition and fees for any educational services from a state or community  
127 college in the commonwealth including, but not limited to, the University of Massachusetts at  
128 Amherst and its satellite campuses;

129 (ii) health care benefits available under MassHealth, if the person resides in  
130 Massachusetts; and

131 (iii) reentry planning, transitional assistance, housing assistance.

132 (f) The commonwealth shall not be liable to levy of execution on any real or personal  
133 property to satisfy an order of payment pursuant to this chapter. Any payment ordered by the  
134 division pursuant to this chapter shall be paid from funds appropriated by the general court for  
135 such purpose. Payments by the commonwealth under this chapter are made to remedy the

136 claimant's erroneous felony conviction and subsequent injury of erroneous incarceration. Only  
137 those portions of a payment that are paid or retained as compensation for services in bringing a  
138 claim under this chapter by an attorney representing the claimant pursuant to a signed agreement  
139 with the claimant or otherwise shall be subject to taxation by the commonwealth.

140           Section 5. A claim for compensation brought under this chapter shall be filed within 3  
141 years after either the grant of a pardon or the grant of judicial relief and satisfaction of other  
142 conditions described in section 2. Any action by the commonwealth challenging or appealing the  
143 grant of such judicial relief shall toll the 3-year period. Every claim brought pursuant to this  
144 chapter that is not filed within the time required by this section is forever barred from  
145 consideration by the division and the courts of the commonwealth.

146           Section 6. (a) If a claimant is aggrieved by the final decision of the division under  
147 subsection (e) of section 3, the claimant may initiate an appeal with the division of administrative  
148 law appeals, hereinafter referred to as "DALA" within 30 days after the claimant receives written  
149 notice of the decision under said subsection (e).

150           (b) The presiding officer or a designee from DALA shall, in response to the filing of the  
151 action, within 30 days, file in such court a copy of the division's decision and the claim  
152 submitted by the claimant.

153           (c) At the claimant's administrative hearing, the presiding officer or a designee from  
154 DALA shall conduct a de novo review of the decision of the division. The administrative hearing  
155 shall be conducted in accordance with the standard adjudicatory rules of practice and procedure  
156 pursuant to 801 CMR 1.00, and may include the presentation of additional records, evidence, or

157 live testimony. The claimant shall be afforded all rights under the federal Administrative  
158 Procedure Act and chapter 30A.

159 (d) At the conclusion of the administrative hearing, the presiding officer or a designee  
160 from DALA may affirm the decision of the division, set aside or modify the decision or compel  
161 any action unlawfully withheld or unreasonably delayed. The presiding officer or a designee  
162 from DALA shall consider whether the claimant is entitled to additional damages, including  
163 attorney's fees, if it determines that the division denied the claimant's application in error.

164 (e) The division shall retain the authority to make a settlement offer to the claimant at any  
165 point subsequent to the initiation of the claim.

166 Section 7. (a) Within 30 days of a person's release from incarceration for an erroneous  
167 felony conviction, the trial court in which the conviction originated shall, upon a motion  
168 demonstrating eligibility for compensation under section 2, order payment of transitional  
169 financial assistance in the amount of \$15,000 to the formerly incarcerated person. These funds  
170 shall be payable from the director as under section 1 in the same manner as an award under  
171 section 4.

172 (b) Upon the release from incarceration of an indigent person whose felony conviction is  
173 vacated, reversed or pardoned, the trial court in which the conviction originated shall, upon  
174 motion demonstrating indigency, authorize funds for a social service advocate from the  
175 committee for public counsel services' approved vendor list to assist the formerly incarcerated  
176 person in obtaining transitional services including, but not limited to, referrals for their physical,  
177 social and emotional needs.

178 (c) No person who received funds or services pursuant to this section shall be required to  
179 repay such funds or the costs of such services if the person is subsequently determined to be  
180 ineligible for compensation pursuant to sections 3 and 6.

181 (d) Funds and the cost of services provided under this section shall not offset any  
182 compensation awarded pursuant to section 4.

183 SECTION 4. For 1 year after the effective date of this act, any person who meets the  
184 eligibility requirements of this act who has timely filed a claim for compensation under the  
185 previous chapter 258D of the General Laws may proceed with that claim or may file an  
186 administrative claim for compensation under this act and a notice of dismissal of the previously  
187 filed claim.

**SENATE . . . . . No. 1134**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 probation violations.

PETITION OF:

NAME:

*Patricia D. Jehlen*

DISTRICT/ADDRESS:

*Second Middlesex*

**SENATE . . . . . No. 1134**

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1134) of Patricia D. Jehlen for legislation relative to probation violations. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1007 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to probation violations.

*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 133 of Chapter 127 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the last sentence.

3 SECTION 2. Section 3 of Chapter 279 of the General Laws, as so appearing, is hereby  
4 amended by striking out the third sentence and inserting in place thereof the following 4  
5 sentences:-

6 If such suspended sentence is to the state prison and is revoked, the sentence shall be in  
7 full force and effect. If such suspended sentence is to the house of correction and is revoked, the  
8 court shall have discretion to impose (i) the full term of the suspended sentence; or (ii) a portion  
9 of the suspended sentence with the remaining balance suspended. If the court imposes a portion  
10 of the suspended sentence, then the remaining balance of the suspended sentence and the length

- 11 of time for which the balance is suspended shall be reduced by the time served on revocation. If
- 12 the court imposes less than the full term of the suspended sentence, the court shall also have
- 13 discretion to revise the conditions of probation.

**SENATE . . . . . No. 1135**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

***Patricia D. Jehlen***

\_\_\_\_\_

*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 authorizing electronic signatures for criminal complaints.

\_\_\_\_\_

PETITION OF:

NAME:

*Patricia D. Jehlen*

DISTRICT/ADDRESS:

*Second Middlesex*

**SENATE . . . . . No. 1135**

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1135) of Patricia D. Jehlen relative to authorizing electronic signatures for criminal complaints. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1490 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to authorizing electronic signatures for criminal complaints.

*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 22 of chapter 276 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting after the word “subscribed”, in line 4, the  
3 words:- , electronically or in person

4           SECTION 2. Section 22 of chapter 276 of the General Laws, as appearing in the 2022  
5 Official Edition, is hereby amended by inserting, in line 7, the following words after the word  
6 “Procedure.”:- If a complaint is submitted electronically by the complainant, the complainant, if  
7 a law enforcement officer, may, in lieu of being examined on oath by justice, subscribe to the  
8 complaint under the pains and penalties of perjury.

9           SECTION 3. Section 2 of chapter 275 of the General Laws, as appearing in the 2022  
10 Official Edition, is hereby amended by inserting after the word “subscribed”, in line 5, the  
11 words:- , electronically or in person

12           SECTION 4. Section 2 of chapter 275 of the General Laws, as appearing in the 2022  
13 Official Edition, is hereby amended by inserting, in line 5, the following words after the word  
14 “complainant.”:- If a complaint is submitted electronically by the complainant, the complainant,  
15 if a law enforcement officer, may, in lieu of being examined on oath by such court or a justice,  
16 subscribe to the complaint under the pains and penalties of perjury.

**SENATE . . . . . No. 1139**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John F. Keenan***

*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 restore the statute of limitations for deaths due to tobacco use.

PETITION OF:

NAME:

*John F. Keenan*

DISTRICT/ADDRESS:

*Norfolk and Plymouth*

**SENATE . . . . . No. 1139**

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By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1139) of John F. Keenan for legislation to restore the statute of limitations for deaths due to tobacco use. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act to restore the statute of limitations for deaths due to tobacco use.

*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 2 of Chapter 229 of the General Laws, as appearing in the 2022  
2   Official Edition, is hereby amended by inserting, after the word “deceased”, in line 34, the  
3   following words:- “. An action to recover damages under this section is not derivative of any  
4   personal injury claim brought by the decedent and may be commenced regardless of whether the  
5   decedent timely commenced a claim for the injury causing death”.

6           SECTION 2. This act shall apply retroactively to July 6, 2023.

**SENATE . . . . . No. 1162**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jason M. Lewis*

*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 judicial discretion for probation.

PETITION OF:

NAME:

*Jason M. Lewis*

DISTRICT/ADDRESS:

*Fifth Middlesex*

**SENATE . . . . . No. 1162**

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1162) of Jason M. Lewis for legislation relative to judicial discretion for probation. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1028 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to judicial discretion for 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 87 of chapter 276 of the General Laws is hereby amended by adding the  
2 following paragraph:-

3 A judge may exercise discretion in placing a defendant on probation and consider the  
4 following:

5 (i) age;

6 (ii) nature of the defendant’s military service, if any;

7 (iii) education;

8 (iv) injuries or wounds sustained;

9 (v) military discipline record, if the defendant served in the military;

- 10 (vi) past and current medical status;
- 11 (vii) family and medical psychological reports;
- 12 (viii) nature of past criminal convictions, if any;
- 13 (ix) age of previous criminal convictions, if any convictions occurred; and
- 14 (x) employment status.

**SENATE . . . . . No. 1178**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*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 to reduce mass incarceration.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/12/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/13/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/26/2025</i>
<i>Adam Gómez</i>	<i>Hampden</i>	<i>3/12/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/12/2025</i>

**SENATE . . . . . No. 1178**

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By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1178) of Liz Miranda, James K. Hawkins and Patricia D. Jehlen for legislation to reduce mass incarceration. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1045 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to reduce mass incarceration.

*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 133A of chapter 127 of the General Laws as it appears in the 2020  
2 Official Edition, is hereby amended by striking, in the first sentence of the first paragraph, the  
3 phrases: “except prisoners confined to the hospital at the Massachusetts Correctional Institution,  
4 Bridgewater, except prisoners serving a life sentence for murder in the first degree who had  
5 attained the age of 18 years at the time of the murder and except prisoners serving more than 1  
6 life sentence arising out of separate and distinct incidents that occurred at different times, where  
7 the second offense occurred subsequent to the first conviction,”; and by inserting in the first  
8 paragraph after the phrase “of the minimum term fixed by the court under section 24 of chapter  
9 279.” the following sentence:- Provided, however, that in the case of a prisoner serving more  
10 than 1 life sentence arising out of separate and distinct incidents that occurred at different times,

11 where the second offense occurred subsequent to the first conviction, such prisoner shall be  
12 eligible for parole 25 years after the start of the second or most recent sentence.

13 SECTION 2. Amend Section 133C of chapter 127 of the General Laws as it appears in  
14 the 2020 Official Edition, is hereby amended by striking, in the first paragraph, the phrase:  
15 “except prisoners serving a life sentence for murder in the first degree who had attained the age  
16 of 18 years at the time of the murder and prisoners confined to the hospital at the Massachusetts  
17 Correctional Institution, Bridgewater.”

18 SECTION 3. Subsection (a) of section 2 of chapter 265 of the General Laws as it appears  
19 in the 2020 Official Edition, is hereby amended by striking the phrase: “not be eligible for parole  
20 pursuant to section 133A of Chapter 127.”, and inserting in place thereof the phrase:- shall be  
21 eligible for parole after a term of years fixed by the court pursuant to section 24 of chapter 279.

22 SECTION 4. Amend subsection (b) of section 2 of Chapter 265 of the General Laws as it  
23 appears in the 2020 Official Edition, by inserting in the fourth line, after the words “term of  
24 years” :- but no more than 25 years, as.

25 SECTION 5. Section 24 of chapter 279 of the General Laws as it appears in the 2014  
26 Official Edition, is hereby amended by striking, in the first paragraph, the phrase: “which shall  
27 be not less than 15 years nor more than 25 years,” and insert in place thereof the phrase:- of 15  
28 years; and by striking out the second paragraph in its entirety and inserting in place thereof the  
29 following paragraph:-

30 In the case of a sentence to life imprisonment for murder in the first degree, the court  
31 shall fix a minimum term of 25 years; provided, however, that in the case of a person who  
32 committed the murder on or after the person’s fourteenth birthday and before the person’s

33 eighteenth birthday, the court shall fix a minimum term of not less than 15 years nor more than  
34 20 years, after consideration of relevant mitigating and exacerbating circumstances; and  
35 provided, however, that in the case of a person sentenced to life imprisonment for murder in the  
36 first degree adjudicated solely by a verdict of felony murder or joint venture and where the  
37 offender is not the actual killer, committed on or after the person's fourteenth birthday and  
38 before the person's eighteenth birthday, the court shall fix a minimum term of not less than 10  
39 years nor more than 12 years.

40 SECTION 6. Notwithstanding any other provision of law, section 24 of chapter 279 of  
41 the General Laws as it appears in the 2014 Official Edition shall apply to any person found guilty  
42 of murder pursuant to subsections (a), (b) or (c) of section 2 of chapter 265 prior to or after the  
43 effective date of this act.

44 SECTION 7. Subsection (b) of section 25 of chapter 279 of the General Laws as it  
45 appears in the 2020 Official Edition is hereby amended by inserting in the first paragraph after  
46 the words "for good conduct", the following phrase:- provided, however, that in the case of a  
47 person so serving a life sentence, parole eligibility will commence after serving 25 years of said  
48 sentence. And by inserting after the last paragraph of subsection (b) of section 25 the following  
49 sentence:- Notwithstanding any other provision of law, section 25(b) shall apply to any person  
50 convicted as a habitual offender pursuant to subsection (a) or (b) of section 25 of chapter 279  
51 prior to or after the effective date of this act.

52 SECTION 8. Notwithstanding any other provision of the law, except as provided by  
53 SECTION 1 of this act, no person shall be imprisoned for more than 25 years without a parole  
54 hearing at 25 years.

55           SECTION 9. The Department of Corrections shall establish a Restorative Justice program  
56 within its prisons that is available to anyone sentenced to more than 25 years in prison in order to  
57 develop a plan of reconciliation.

58           (a) The Restorative Justice program will allow the interaction between the prisoner and  
59 victims, family of the victims, the parties to a crime, and community members within the prison  
60 with the goal to identify and address harms and needs and obligations resulting from an offense  
61 in order to understand and reconcile the impact of that offense.

62           (b) Participation in a prison-based restorative justice program shall be voluntary for  
63 offenders, victims, and surviving family and community members affected by the crime.

64           (c) Participation in a prison-based restorative justice program shall not be used as  
65 evidence or as an admission of guilt, delinquency or civil liability in current or subsequent legal  
66 proceedings against any participant. Any statement made by an incarcerated person during the  
67 course of an assignment within a prison-based restorative justice program shall be confidential  
68 and shall not be subject to disclosure in any judicial or administrative proceeding and no  
69 information obtained during the course of such assignment shall be used in any stage of a  
70 criminal investigation or prosecution or civil or administrative proceeding; provided, however,  
71 that nothing in this section shall preclude any evidence obtained through an independent source  
72 or that is inevitably discovered by lawful means from being admitted at such proceeding.

73           (d) The Department of Corrections shall annually, not later than December 31, submit a  
74 report to the clerks of the House of Representatives and of the Senate, and the House and Senate  
75 chairs of the Joint Committee on the Judiciary and of Public Safety and Homeland Security  
76 regarding the implementation and operation of the program, the number of prisoners to which it

77 is available, the number of prisoners that have participated, and any recommendations for change  
78 to the program.

**SENATE . . . . . No. 1182**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*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 promoting equity in traffic stops.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/18/2025</i>

**SENATE . . . . . No. 1182**

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By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1182) of Liz Miranda for legislation relative to evidence obtained during a traffic stop. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act promoting equity in traffic stops.

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

1           The General Laws are hereby amended by inserting after section 20H of chapter 90 of the  
2 General Laws the following section:-

3           Section 20I.

4           (a) Evidence obtained during a traffic stop shall be inadmissible in any criminal  
5 proceeding if the evidence is unrelated to the traffic violation that was the basis for the stop,  
6 unless the officer had reasonable suspicion or probable cause to believe that the operator or  
7 passenger of the vehicle was engaged in an act that constitutes a felony or a misdemeanor prior  
8 to initiating the stop.

9           (b) In any motion to suppress evidence under this section, the burden shall be on the  
10 commonwealth to prove by a preponderance of the evidence that reasonable suspicion or  
11 probable cause of criminal activity existed prior to the initiation of the traffic stop.

12           (c) Nothing in this section shall be construed to limit the authority of law enforcement to  
13 enforce the traffic laws of the commonwealth. Law enforcement officers may issue citations,  
14 warnings, or make arrests for violations of traffic laws; provided, however, that such  
15 enforcement shall not serve as a pretext for investigating unrelated criminal activity.

16           (d) (1) Any evidence obtained in violation of this section shall be suppressed and shall  
17 not be admissible in any criminal proceeding in the courts of the commonwealth.

18           (2) Any individual subjected to a traffic stop in violation of this section may pursue all  
19 civil remedies available under state or federal law, including but not limited to claims for  
20 injunctive relief or monetary damages.

**SENATE . . . . . No. 1205**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael O. Moore***

*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 controlling and abusive litigation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/7/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/7/2025</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/7/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/3/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/3/2025</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>3/6/2025</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>3/11/2025</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>3/13/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/24/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/3/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>4/3/2025</i>
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>4/10/2025</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>4/16/2025</i>

**SENATE . . . . . No. 1205**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 1205) of Michael O. Moore, Joanne M. Comerford, Jacob R. Oliveira, Joan B. Lovely and other members of the Senate for legislation relative to controlling and abusive litigation. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1079 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to controlling and abusive litigation.

*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. The General Laws are hereby amended by inserting after chapter 209D the  
2 following chapter:-

3           Chapter 209E.

4           CONTROLLING AND ABUSIVE LITIGATION PREVENTION

5           Section 1. As used in this chapter, the following words shall, unless the context clearly  
6 requires otherwise, have the following meanings:

7           “Abuse”, as defined in section 1 of chapter 209A.

8           "Controlling and abusive litigation", litigation where the following apply:

9 (a)(i) The opposing parties have a current or former family or household member  
10 relationship;

11 (ii) The party who is filing, initiating, advancing or continuing the litigation has been  
12 found by a court to have committed abuse against the other party pursuant to an order entered  
13 under chapters 208, 209, 209A, 209C or 258E, or who is found after a hearing in the instant case,  
14 to have committed abuse or harassment against the other party that may have warranted the issue  
15 of an order under said chapters; and

16 (iii) The litigation is being initiated, advanced or continued primarily for the purpose of  
17 abusing, harassing, intimidating, threatening or maintaining contact with the other party; and

18 (b) At least 1 of the following factors apply:

19 (i) Claims, allegations or other legal contentions made in the litigation are not warranted  
20 by existing law or by a reasonable argument for the extension, modification or reversal of  
21 existing law, or the establishment of new law;

22 (ii) Allegations and other factual contentions made in the litigation are without the  
23 existence of evidentiary support; or

24 (iii) An issue or issues that are the basis of the litigation have previously been filed in 1 or  
25 more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably  
26 to the party filing, initiating, advancing or continuing the litigation.

27 "Family or household members", as defined section 1 of chapter 209A

28 "Harassment", as defined in section 1 of chapter 258E.

29 "Litigation", any kind of legal action or proceeding including, but not limited to:

30 (i) filing a summons, complaint, demand or petition;

31 (ii) serving a summons, complaint, demand or petition, regardless of whether it has been  
32 filed;

33 (iii) filing a motion, notice of court date, note for motion docket or order to appear;

34 (iv) serving a motion, notice of court date or order to appear, regardless of whether it has  
35 been filed or scheduled;

36 (v) filing a subpoena, subpoena duces tecum, request for interrogatories, request for  
37 production, notice of deposition or other discovery request; or

38 (vi) serving a subpoena, subpoena duces tecum, request for interrogatories, request for  
39 production, notice of deposition or other discovery request.

40 "Perpetrator of controlling and abusive litigation", a person who files, initiates, advances  
41 or continues litigation in violation of an order restricting controlling and abusive litigation.

42 Section 2. (a) A party to a case may request from the court an order restricting controlling  
43 and abusive litigation if the parties are current or former family or household members and one  
44 party has been found by the court to have committed abuse or harassment against the other party.

45 The request may be made in any form, including, but not limited to:

46 (1) in any answer or response to the litigation being filed, initiated, advanced or  
47 continued;

48 (2) by motion made at any time during any open or ongoing case;

49 (3) in an answer or response to any motion or request for an order; or

50 (4) orally in any hearing.

51 (b) Any court of competent jurisdiction may, on its own motion, determine that a hearing  
52 pursuant to section 3 is necessary to determine if a party is engaging in controlling and abusive  
53 litigation.

54 (c) The chief justice of the trial court shall create forms for the motion for order  
55 restricting controlling and abusive litigation and order restricting controlling and abusive  
56 litigation.

57 (d) No filing fee shall be charged to the unrestricted party for proceedings pursuant to this  
58 section regardless of whether it is filed pursuant to this chapter.

59 (e) The provisions of this section are nonexclusive and shall not affect any other remedy  
60 available.

61 Section 3. (a) If a party asserts that they are being subjected to controlling and abusive  
62 litigation, the court shall attempt to verify:

63 (1) that the parties are or previously were family or household members; and

64 (2) that the party raising the claim of controlling and abusive litigation has been found to  
65 be a victim of abuse or harassment by the other party or finds, after a hearing in the instant case,  
66 that said party has been a victim of abuse or harassment. If the court verifies that both elements  
67 are true or is unable to verify that they are not true, the court shall set a hearing to determine  
68 whether the litigation meets the definition of controlling and abusive litigation.

69 (b) At the time set for the hearing on the alleged controlling and abusive litigation, the  
70 court shall hear all relevant testimony and may require any affidavits, documentary evidence or  
71 other records the court deems necessary.

72 Section 4. (a) Evidence of any of the following presented at a hearing conducted pursuant  
73 to section 3 shall create a rebuttable presumption that litigation is being initiated, advanced or  
74 continued primarily for the purpose of harassing, intimidating or maintaining contact with the  
75 other party.

76 (1) The same or substantially similar issues between the same or substantially similar  
77 parties have been litigated within the past 5 years in the same court or any other court of  
78 competent jurisdiction;

79 (2) The same or substantially similar issues between the same or substantially similar  
80 parties have been raised, pled or alleged in the past 5 years and were dismissed on the merits or  
81 with prejudice;

82 (3) Within the last 10 years, the party allegedly engaging in controlling and abusive  
83 litigation has been sanctioned in 1 or more cases, petitions, motions or other filings that were  
84 found to have constituted controlling and abusive litigation, been found not to be supported by  
85 good grounds, interposed for the delay or found to be frivolous or brought in bad faith involving  
86 the same opposing party; or

87 (4) A court of record in another judicial district has determined that the party allegedly  
88 engaging in controlling and abusive litigation has previously engaged in controlling and abusive  
89 litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.

90           Section 5. (a) If the court finds by a preponderance of the evidence that a party is  
91 engaging in controlling and abusive litigation and that any or all of the motions or actions  
92 pending before the court are controlling and abusive litigation, the litigation shall be dismissed,  
93 denied, stricken or resolved by other disposition with prejudice.

94           (b) In addition to dismissal or denial of any pending controlling and abusive litigation  
95 within the jurisdiction of the court, the court shall enter an order restricting controlling and  
96 abusive litigation. The order shall:

97           (1) impose all costs of any controlling and abusive civil action pending in the court at the  
98 time of the court's finding pursuant to subsection (a) against the party advancing the controlling  
99 and abusive litigation, including, but not limited to, court costs, lost wages, transportation costs  
100 and costs of child care related to said civil action including trips to court to review files, files  
101 pleadings and appear for any type of hearing;

102           (2) award the other party reasonable attorneys' fees and costs of responding to the  
103 controlling and abusive litigation including the cost of seeking the order restricting controlling  
104 and abusive litigation; and

105           (3) identify the party protected by the order and impose prefiling restrictions upon the  
106 party found to have engaged in controlling and abusive litigation for a period of not less than 48  
107 months nor more than 72 months.

108           (c) If the court finds by a preponderance of the evidence that the litigation does not  
109 constitute controlling and abusive litigation, the court shall enter written findings and the  
110 litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the  
111 court's inherent authority to control the proceedings and litigants before it.

112 (d) The provisions of this section are nonexclusive and shall not affect any other remedy  
113 available to the person who is protected by the order restricting controlling and abusive litigation  
114 or to the court.

115 Section 7. (a) Except as provided for in this section, a person who is subject to an order  
116 restricting controlling and abusive litigation is prohibited from filing, initiating, advancing or  
117 continuing any litigation against the protected party for the period of time filing restrictions are  
118 in effect.

119 (b) A person who is subject to an order restricting controlling and abusive litigation and  
120 against whom pre-filing restrictions have been imposed pursuant to section 5 who wishes to  
121 initiate a new case or file a motion in an existing case during the time the person is under filing  
122 restrictions shall first appear before the judge who imposed the pre-filing restrictions or in front of  
123 any person designated by the judge to act in this capacity to make application for permission to  
124 institute the civil action.

125 (c)(1) The judge or a designee may examine witnesses, court records and any other  
126 available evidence to determine if the proposed litigation is controlling and abusive litigation or  
127 if there are reasonable and legitimate grounds upon which the litigation is based.

128 (2) If, based on reviewing the records as well as any evidence from the person who is  
129 subject to the order, the judge or designee determines the proposed litigation is controlling and  
130 abusive litigation, it shall not be necessary for the person protected by the order to appear or  
131 participate in the proposed litigation in any way. If the judge or designee is unable to determine  
132 whether the proposed litigation is controlling and abusive without hearing from the person  
133 protected by the order, then the court shall issue an order scheduling a hearing and notifying the

134 protected party of the party's right to appear and/or participate in the hearing. The order shall  
135 specify whether the protected party is expected to submit a written response. When possible, the  
136 protected party shall be permitted to appear virtually and provided with instructions for how to  
137 appear virtually.

138 (d)(1) If the judge or designee believes the litigation that the party who is subject to the  
139 order restricting controlling and abusive litigation is making application to file will constitute  
140 controlling and abusive litigation, the application shall be denied, dismissed or otherwise  
141 disposed with prejudice.

142 (2) If the judge reasonably believes that the litigation the party who is subject to the order  
143 restricting controlling and abusive litigation is making application to file will not be controlling  
144 and abusive litigation, the judge or designee may grant the application and issue an order  
145 permitting the filing of the case, motion or pleading. The party who is protected by the order  
146 shall be served with a copy of the order at the same time as the underlying pleading.

147 (e) The findings of the judge or designee shall be in writing and made a part of the record  
148 in the matter. If the party who is subject to the order restricting controlling and abusive litigation  
149 disputes the finding of a designee, the party may seek review by the judge. If the party disputes  
150 the finding of the judge, the party may seek review of the decision as provided by the applicable  
151 court rules.

152 (f) If the application for the filing of a pleading is granted pursuant to this section, the  
153 period of time commencing with the filing of the application requesting permission to file the  
154 action and ending with the issuance of an order permitting filing of the action shall not be

155 computed as a part of any applicable period of limitations within which the matter must be  
156 instituted.

157 (g) If, after a party who is subject to an order restricting controlling and abusive litigation  
158 and prefiling restrictions has made application and been granted permission to file or advance a  
159 case pursuant to this section, any judge hearing or presiding over the case, or any part thereof,  
160 determines that the person is attempting to add parties, amend the complaint or is otherwise  
161 attempting to alter the parties and issues involved in the litigation in a manner that the judge  
162 reasonably believes would constitute controlling and abusive litigation, the judge shall stay the  
163 proceedings and refer the case back to the judge or designee who granted the application to file,  
164 for further disposition.

165 (h)(1) If a party who is protected by an order restricting controlling and abusive litigation  
166 is served with a pleading filed by the person who is subject to the order restricting controlling  
167 and abusive litigation, and the pleading does not have an attached order allowing the pleading,  
168 the protected party may respond to the case by filing a copy of the order restricting controlling  
169 and abusive litigation.

170 (2) If it is brought to the attention of the court that a person subject to an order restricting  
171 controlling and abusive litigation and against whom prefiling restrictions have been imposed has  
172 filed a new case or is continuing an existing case without having been granted permission  
173 pursuant to this section, the court shall dismiss, deny or otherwise dispose of the matter. The  
174 court make take this action on its own motion or initiative. The court may take whatever action  
175 against the perpetrator of controlling and abusive litigation deemed necessary and appropriate for  
176 a violation of the order restricting controlling and abusive litigation.

177           (3) If a party who is protected by an order restricting controlling and abusive litigation is  
178 served with a pleading filed by the person who is subject to the order restricting controlling and  
179 abusive litigation, and the pleading does not have an attached order allowing the pleading, the  
180 protected party is under no obligation or duty to respond to the summons, complaint, petition,  
181 motion, answer interrogatories, appear for depositions or any other responsive action required by  
182 rule or statute in a civil action.

183           (i) If the judge or designee who imposed the prefiling restrictions is no longer serving in  
184 the same capacity in the same judicial district where the restrictions were placed, or is otherwise  
185 unavailable for any reason, any other judicial officer in that judicial district may perform the  
186 review required and permitted by this section.

**SENATE . . . . . No. 1216**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

*Patrick M. O'Connor*

\_\_\_\_\_

*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 the protection of police officers.

\_\_\_\_\_

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/23/2025</i>

**SENATE . . . . . No. 1216**

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By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1216) of Patrick M. O'Connor and David F. DeCoste for legislation relative to the protection of police officers. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1088 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to the protection of police officers.

*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 15A of Chapter 265 of the General Laws is hereby amended by inserting at the  
2 end the following new subsection:-

3           (e) Whoever commits assault with a dangerous weapon by discharging a firearm, large  
4 capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun, as defined in section 121 of  
5 chapter 140, with the intent to physically harm a police officer, special police officer, state or  
6 federal law enforcement officer, firefighter, officer or employee of the department of correction,  
7 officer or employee of a sheriff's department, officer or employee of a jail or officer or employee  
8 of a house of correction in the performance of the officer's duties, shall be punished by  
9 imprisonment in a state prison for no less than 25 years and up to any term of years.

**SENATE . . . . . No. 1229**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patrick M. O'Connor***

*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 protecting honest employers by creating construction private attorney general actions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>2/4/2025</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>3/5/2025</i>
<i>Dylan A. Fernandes</i>	<i>Plymouth and Barnstable</i>	<i>3/21/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/24/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/24/2025</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/26/2025</i>

**SENATE . . . . . No. 1229**

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1229) of Patrick M. O'Connor, Paul W. Mark and Nick Collins for legislation to protect honest employers by creating construction private attorney general actions. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act protecting honest employers by creating construction private attorney general actions.

*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. Chapter 149 of the General Laws is hereby amended by inserting after  
2 Section 150C the following section:-

3 150D. Construction Industry Private Attorney General Action

4 (a) Whereas wage law enforcement and honest bid competition are compelling state  
5 interest, its police powers for enforcement shall include, but not be limited to, this section:

6 a. Construction Industry employment makes more difficult protecting employees against  
7 Wage Non-Payment and competing employers against unfair competition based on Wage Non-  
8 payment, as employees and employers navigate during single pay-periods multiple construction  
9 sites throughout the Commonwealth and neighboring or other states;

10 b. Most construction firms employ fewer than twelve employees inhibiting employees  
11 similarly situated to obtain class certification under court rule

12 c. An employer's failure to comply with wage payment and related law provides  
13 competitive advantage that illegally shaves costs resulting in illegally deflated bids to compete  
14 against honest employers, and such illegal conduct harms competition including by way of  
15 workers compensation insurance premium evasion –affecting insurance rates and causes payroll  
16 tax loss to the Commonwealth increasing the public's tax burdens; and

17 d. Construction Industry higher tier contractors often contract with the lowest price  
18 bidder; and

19 e. The public is harmed when higher tier contractors subcontract to business enterprises  
20 or lower tier subcontractors that cheat to compete by failing to fully comply with wage payment  
21 laws and regulations; and

22 f. The public is harmed when employees lack proper wages on payday, including but not  
23 limited to the difficulty for an unpaid employee to meet his or her financial obligations owed to  
24 others in the stream of commerce or marketplace causing public harms that include, for example,  
25 unpaid rent, mortgages, medical bills and related insurance payments, automobile expenses, and  
26 other common living expenses; and

27 g. The public is benefited when:

28 i. Construction competition among bidders is based on honest bid competition as honesty  
29 promotes competition; and

30 ii. An Interested Party pursues wage law compliance on behalf of the Commonwealth as  
31 it best ensures non-complying construction employers will experience exposure and the  
32 consequences when they do not pay their statutory and contractual wage related obligations.

33 (b) Definitions, for this section 150D:

34 “Construction Industry” shall have the broadest meaning possible to include but not be  
35 limited to drivers delivering construction material to construction sites for employers who  
36 primarily deliver such materials, residential contracting services referenced in chapter 142A, and  
37 any labor performed on private projects that are of a similar type of labor performed on public  
38 projects governed by section 27.

39 “Construction Industry Employer” means any person who or entity that, within the 5-year  
40 period preceding the date an action under this section was filed: i) contracted to perform work,  
41 regardless of contract or subcontract tier level, on a project governed by section 27 of this  
42 chapter after having submitted a bid for same and who employed employees who performed  
43 labor under that contract; or ii) contracted to perform construction work located in the  
44 Commonwealth in excess of \$500,000, regardless of contract or subcontract tier level, and  
45 employed Construction Industry employees who performed labor under that contract.

46 “Interested Party” means any one or more of the following:

47 1. Any Construction Industry Employer;

48 2. Any trustee acting on behalf of an organization or trust established for the purposes of  
49 the Labor Management Cooperation Act of 1978, 29 U.S.C. section 175a, where contributions  
50 are made by at least five Construction Industry Employers;

51 3. Any labor organization which has as members, or is authorized to represent, employees  
52 and which exists in whole or part for the purposes of negotiating with Construction Industry

53 Employers concerning wages, hours, or terms and conditions of employment of such employer's  
54 employees; or

55 4. Any organization that represents five or more member firms that are Construction  
56 Industry Employers that employed labor on public works project governed by section 27 of this  
57 chapter or;

58 5. Any Affected Employee.

59 "Wage Non-payment" means the failure to pay a wage owed to an Affected Employee in  
60 violation of any of the following statutes or contract provision: sections 27, 148, 148A, 148B, or  
61 150 of the general laws at chapter 149; or section 1A of the general laws at chapter 151; or any  
62 contract provision that required the payment of wages on a construction project in accord with  
63 rates required under section 27 of chapter 149.

64 "Affected Employee" means any Construction Industry employee or former employee  
65 who was employed by an individual or firm named as a defendant employer in an action filed  
66 under this section where such employee remains due from such defendant any Wage Non-  
67 payment whatsoever, regardless as to where or the type of labor was performed, provided that a  
68 substantial part of the Wage Non-payment owed was earned by the employee while performing  
69 Construction Industry labor as employee of such defendant.

70 (c) Civil Action: In addition to all common law, contract, or other remedies available at  
71 law, an Interested Party alleging facts that show probable cause that an employer has engaged in  
72 or caused a Wage Non-payment shall have standing and be entitled to bring an action in the  
73 name of and on behalf of the Commonwealth and the public, for the use and benefit of same,  
74 against such employer to recover damages and penalties stated in this section. A civil action filed

75 under this section shall be deemed a private attorney general action. The representative nature of  
76 such an action on behalf of the Commonwealth is not waivable and shall not be deemed a class  
77 action, so long as there is at least a common question of law or fact among at least two Affected  
78 Employees. Regardless as to whether any Affected Employee's claim must be arbitrated, the  
79 representative action on behalf of the Commonwealth cannot be waived or compelled to  
80 arbitration. Further, the Interested Party bringing such representative claim shall not have to wait  
81 for an arbitration decision or award before proceeding in court under this section.

82 The Interested Party filing an action under this section shall provide a copy of the  
83 complaint for the purposes of notice to the attorneys general, within 10 business days of the  
84 filing. If the Interested Party prevails in the action, the court shall award treble the Wage Non-  
85 payment damages, as liquidated damages, to any Affected Employee who has, following a court  
86 approved notice of same, responded to the court within 90 calendar days, affirming an interest in  
87 a recovery, which notice shall be interpreted liberally to encourage Affected Employees to  
88 respond and affirm such an interest. A twenty percent surcharge tax on the total amount awarded  
89 by the court-including on attorney fees, in addition to other usual income taxes due, on this  
90 recovery shall be paid into a wage enforcement fund established by the attorney general. Such  
91 fund shall be used by the attorney general to enforce wage laws, educate the public, particularly  
92 employers and employees, about wage law obligations and rights, and when the attorney general  
93 deems the fund is sufficiently funded, to advance some payment by loan pending an action under  
94 this section and upon the attorney general's sole and exclusive discretion, to an Affected  
95 Employee showing urgent need to obtain unpaid wages to pay housing, heat, or food costs. In  
96 addition, the Interested Party who prevails under this section shall be entitled to recover for the  
97 Commonwealth penalties, and Wage Non-payments as restitution incurred by each other

98 Affected Employee who did not respond affirming an interest, as follows: For each violation of  
99 law, the court shall order the defendant employer to pay into the wage enforcement fund (i) a  
100 penalty in the amount of \$50 per violation per pay-period for each unresponsive Affected  
101 Employee; and

102 (ii) an amount, payable into the wage enforcement fund, equal to single Wage Non-  
103 payment damages, as restitution, incurred for all Wage Non-payments that the defendant  
104 employer should have paid to each Affected Employee who did not respond timely to a court  
105 approved notice affirming an interest in a recovery; the attorney general shall hold in escrow  
106 such amounts until the original statute of limitation period applicable against the defendant  
107 employer to expire on such restitution obtained in the event the Affective Employee reconsiders  
108 and seeks the restitution. But, after such limitations period has expired with no such employee  
109 claim, the amount shall escheat to the wage enforcement fund. A defendant employer ordered to  
110 pay into the wage enforcement fund as single Wage-Nonpayment damages restitution incurred  
111 for labor performed by an Affected Employee who failed to affirm an interest in a recovery shall  
112 be entitled to a set-off of such amount paid against a future Wage Non-payment or other wage  
113 action filed by or on behalf of such Affected Employee, but no set-off shall apply to the \$50 per  
114 pay period penalty. In addition, the Interested Party may also bring on behalf of the  
115 Commonwealth a claim for injunctive and declaratory relief. An Interested Party that prevails in  
116 any action filed under this section shall be awarded the costs of the litigation and reasonable  
117 attorney fees.

118 An action filed under this section shall be filed within limitation period of the Wage Non-  
119 payment at issue, except that where a Wage Non-payment also includes a violation of contract  
120 the Interested Party shall be a third-party beneficiary of the contract, including any public

121 procurement contract, and recovery applicable to that portion of the action shall include amounts  
122 due within the limitations period set forth under section 2 of the general laws at chapter 260; for  
123 such contract action filed beyond the limitation period of the Wage Non-payment at issue  
124 liquidated damages shall not be awarded unless the contract recites otherwise and the court may  
125 award fees for such contract provision portion of the action in accord with the contract or its  
126 discretion.

127         On the trial no defense for failure to pay as required, other than the attachment of wages  
128 by trustee process or a valid assignment thereof or a valid set-off against the same, or the absence  
129 of the employee from his regular place of labor at the time of payment, or an actual tender to  
130 such employee at the time of payment of the wages so earned by him, shall be valid. The  
131 defendant shall not set up as a defense a payment of wages made or offered after the action under  
132 this section has been filed.

133         The superior court shall have jurisdiction to hear an action filed under this section  
134 regardless as to the amount in controversy. Any provision in this section found to be  
135 unenforceable or invalid shall not affect other provisions in this section which shall remain valid  
136 and enforceable.

137         Attorney General Intervention: As a matter of right the attorney general may intervene as  
138 a plaintiff at any time, including post trial, by notice of same filed with the court or may file an  
139 appearance to be served all pleadings and discovery for monitoring. In the event that she  
140 intervenes, the attorney general shall thenceforth represent the Commonwealth as plaintiff, not  
141 the Interested Party. The Interested Party shall retain party status, if it so chooses, for purposes  
142 that may include and not be limited to providing opportunity for the Interested Party to raise its

143 interests or concerns including regarding any settlement proposed or to recover, if appropriate,  
144 its reasonable costs and fees incurred. The attorney general shall not settle the matter with the  
145 defendant without the participation in all settlement communications with the Interested Party  
146 who retained party status and without first obtaining such Interested Party's informed consent  
147 which shall not be reasonably withheld. Nothing in this section shall be deemed as an exclusive  
148 remedy and this section shall not affect the rights of the attorney general or any other person to  
149 pursue additional or other remedies available by way of other laws or available actions.

**SENATE . . . . . No. 1241**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Pavel M. Payano*

*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 related to educational programming for incarcerated emerging adults.

PETITION OF:

NAME:

*Pavel M. Payano*

DISTRICT/ADDRESS:

*First Essex*

**SENATE . . . . . No. 1241**

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By Mr. Payano, a petition (accompanied by bill, Senate, No. 1241) of Pavel M. Payano relative to educational programming for incarcerated emerging adults. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1687 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act related to educational programming for incarcerated emerging adults.

*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 48 of Chapter 127, as appearing in section 80 of chapter 69 of the acts of 2018, is  
2 hereby amended by striking the second paragraph and inserting in place thereof the following:-

3           The commissioner and administrators of state prisons and county facilities shall  
4 maximize a diverse range of educational programming for all emerging adults, ages 18-25. The  
5 commissioner shall ensure that at least one educational program leading to the award of a high  
6 school equivalency certificate including high school equivalency testing opportunities, and credit  
7 that can be applied to high school graduation, is available to persons who are committed to the  
8 custody of the department or to a county correctional facility and who have not obtained a high  
9 school degree or equivalency. In addition to each such facility providing at least one general high  
10 school equivalency (HiSet) class and high school equivalency testing opportunities and classes

11 that can earn credit toward high school graduation, each facility shall also include specialized,  
12 age-appropriate educational classes for emerging adults, including all individuals ages 18 thru  
13 25, for both individuals who have and have not obtained a high school degree or equivalency,  
14 including but not limited to college readiness and college credit classes, and/or workforce  
15 readiness and vocational classes. Access to workforce development, vocational and employment  
16 training opportunities in the community shall be maximized as available. All emerging adults  
17 shall have the opportunity to access at least four hours of programming daily at least five days a  
18 week; at least four hours daily shall be for programming that will be out of cell and congregate,  
19 meaning more than one person together without barriers between them to ensure the most  
20 conducive educational learning environment. Time allowed for in-cell learning through tablets  
21 shall be maximized and considered as additional time toward the already required daily four  
22 hours of out of cell learning. Preference for all educational programming will be provided for  
23 innovations in the delivery of such programming that include, but not limited to, partnerships  
24 with nonprofits and educational institutions that specialize in serving emerging adults and draw  
25 upon the talents of staff with lived experiences similar to those incarcerated.

**SENATE . . . . . No. 1268**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 enhance the authority of courts to protect public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Alyson M. Sullivan-Almeida</i>	<i>7th Plymouth</i>	<i>2/6/2025</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>2/18/2025</i>
<i>Peter J. Durant</i>	<i>Worcester and Hampshire</i>	<i>3/17/2025</i>

**SENATE . . . . . No. 1268**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1268) of Bruce E. Tarr, Alyson M. Sullivan-Almeida and Steven George Xiarhos for legislation to enhance the authority of courts to protect public safety. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE DOCKET, NO. 3490 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to enhance the authority of courts to protect public safety.

*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. Chapter 276 of the General Laws is hereby amended by inserting after  
2 section 20R the following section:-

3           Section 20S. (a) Any employee of the Commonwealth considered a court officer pursuant  
4 to Chapter 221 Sections 69A, 70A, 71A of the General Laws, who has lawful custody of a  
5 person may, upon the direction of a judicial officer, and upon receipt of (1) a written request  
6 from United States Immigration and Customs Enforcement requesting detention of such person  
7 on the grounds that there is probable cause that such person is a removable alien and (2) an  
8 administrative warrant for arrest or warrant of removal/deportation, detain such person for a  
9 reasonable period of time after such person would otherwise be released from custody in order to  
10 transfer custody of such person to United States Immigration and Customs Enforcement,

11 provided that the judicial officer has determined that there are specific facts indicating that the  
12 person to be detained poses a threat to public safety; and further provided that such person be  
13 provided with a copy of such written request; and further provided that in no circumstances shall  
14 such detention exceed 12 hours.

15 (b) As used in subsection (a), “specific facts indicating that the person to be detained  
16 poses a threat to public safety” shall mean that, at a minimum, any of the following facts are true  
17 with respect to such person:

18 (1) the person has engaged in or is suspected of terrorism or espionage, or otherwise  
19 poses a danger to national security;

20 (2) the person has been convicted of an offense of which an element was active  
21 participation in a criminal street gang, as defined in 18 U.S.C. § 521(a);

22 (3) the person has been convicted of an offense classified as a felony, other than a state or  
23 local offense for which an essential element was the person’s immigration status;

24 (4) the person has been convicted of an aggravated felony, as defined under 8 U.S.C. §  
25 1101(a)(43); or

26 (5) the person has been convicted of a crime of (i) domestic violence; (ii) sexual abuse or  
27 exploitation; (iii) trafficking in persons in violation of sections 50 or 51 of chapter 265 or like  
28 violations of the law of another state, the United States or a military, territorial or Indian tribal  
29 authority; (iv) burglary; (v) unlawful possession or use of a firearm; (vi) drug distribution or  
30 trafficking; (vii) second or subsequent operating or driving under the influence; or (viii) any  
31 other offense for which the person has been sentenced to time in custody of 180 days or more.

32 (c) In making such determination under subsection (a), if the appropriate judicial officer  
33 does not honor the request from Immigrations and Custom Enforcement, the judicial officer shall  
34 detail the reasons therefore in writing, and said determination shall be filed with the Clerk of the  
35 Court having jurisdiction over the location of the detention and maintained as a public record.  
36 Said determination shall not be subject to impoundment and may only be redacted to protect the  
37 names of minors and victims.

38 (d) This section shall not be construed to give rise to a private right of action and shall not  
39 be construed so as to make unlawful any arrest in this commonwealth which would otherwise be  
40 lawful.

41 SECTION 2. Chapter 276 of the General Laws is hereby amended by inserting at the end  
42 the following section:-

43 Section 104. In determining original bail, and any subsequent bail pursuant to sections  
44 20D, 20E, 20F, 29, 42, 42A, 56A, 57, 60, 61, 62, 63, 64 68, 70, 82, 82A, of Chapter 276 the  
45 Judicial Officer presiding over the status of the bail hearing of the individual shall consider the  
46 existence of an Immigrations and Customs Enforcement Detainer request from the United States  
47 Immigrations and Customs Enforcement Office. If a written request from United States  
48 Immigration and Customs Enforcement requesting detention of such person on the grounds that  
49 there is probable cause that such person is a removable alien and (2) an administrative warrant  
50 for arrest or warrant of removal/deportation exists then the Judicial Officer shall have grounds to  
51 withhold bail pending action on the request from Immigrations and Customs Enforcement.

**SENATE . . . . . No. 1272**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 public safety, fiscal responsibility, and emergency assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Peter J. Durant</i>	<i>Worcester and Hampshire</i>	<i>3/13/2025</i>

**SENATE . . . . . No. 1272**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1272) of Bruce E. Tarr for legislation relative to public safety, fiscal responsibility and the emergency housing assistance program. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to public safety, fiscal responsibility, and emergency assistance.

*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. Chapter 276 of the General Laws is hereby amended by inserting after  
2 section 20R the following section:-

3 Section 20S. (a) Any employee of the Commonwealth, or a public instrumentality or  
4 political subdivision thereof, who holds police powers or the powers of a sheriff or deputy  
5 sheriff, including but not limited to municipal police officers, court officers, and state troopers,  
6 and who has lawful custody of a person may, upon receipt of (1) a written request from United  
7 States Immigration and Customs Enforcement requesting detention of such person on the  
8 grounds that there is probable cause that such person is a removable alien and (2) an  
9 administrative warrant for arrest or warrant of removal/deportation, detain such person for a  
10 reasonable period of time after such person would otherwise be released from custody in order to  
11 transfer custody of such person to United States Immigration and Customs Enforcement,  
12 provided that a supervisory officer of such employee’s agency has, in accordance with a policy

13 promulgated in accordance with subsection (c), first determined that there are specific facts  
14 indicating that the person to be detained poses a threat to public safety; and further provided that  
15 such person be provided with a copy of such written request; and further provided that in no  
16 circumstances shall such detention exceed 12 hours unless an appropriate judicial officer shall  
17 have made a probable cause determination under the procedure set forth in subsection (d).

18 (b) As used in subsection (a), “specific facts indicating that the person to be detained  
19 poses a threat to public safety” shall mean that, at a minimum, any of the following facts are true  
20 with respect to such person:

21 (1) the person has engaged in or is suspected of terrorism or espionage, or otherwise  
22 poses a danger to national security;

23 (2) the person has been convicted of an offense of which an element was active  
24 participation in a criminal street gang, as defined in 18 U.S.C. § 521(a);

25 (3) the person has been convicted of an offense classified as a felony, other than a state or  
26 local offense for which an essential element was the person’s immigration status;

27 (4) the person has been convicted of an aggravated felony, as defined under 8 U.S.C. §  
28 1101(a)(43); or

29 (5) the person has been convicted of a crime of (i) domestic violence; (ii) sexual abuse or  
30 exploitation; (iii) trafficking in persons in violation of sections 50 or 51 of chapter 265 or like  
31 violations of the law of another state, the United States or a military, territorial or Indian tribal  
32 authority; (iv) burglary; (v) unlawful possession or use of a firearm; (vi) drug distribution or

33 trafficking; (vii) second or subsequent operating or driving under the influence; or (viii) any  
34 other offense for which the person has been sentenced to time in custody of 180 days or more.

35 (c) Each agency of the Commonwealth or any public instrumentality or political  
36 subdivision of the Commonwealth that chooses to allow its employees to exercise the authority  
37 granted by subsection (a) shall promulgate a written policy designating which supervisory  
38 officers may make the determination required by subsection (a) before a person is detained and  
39 the criteria such supervisory officer shall use in making such determination.

40 (d) A determination of probable cause for detention shall be made by an appropriate  
41 judicial officer and promptly reduced to writing. The appropriate judicial officer shall consider  
42 any information presented by the detaining agency, whether or not known at the time of initial  
43 detention. The detaining agency shall present the information under oath or affirmation or under  
44 the pains and penalties of perjury, and may present the information orally, in person or by any  
45 other means, or in writing. If presented in writing, the information may be transmitted to the  
46 appropriate judicial officer by facsimile transmission or by electronic mail or by such other  
47 electronic means as may be found acceptable by the court. The determination of probable cause  
48 for detention shall be an ex parte proceeding. The person detained shall have no right to appear,  
49 either in person or by counsel. If the judicial officer determines that there is not probable cause  
50 to believe the person detained is a removable alien, then the judicial officer shall order that the  
51 person be released forthwith. Such a determination and order shall be filed in the District Court  
52 having jurisdiction over the location of the detention, together with all written information  
53 submitted by the detaining agency. Such documents shall be filed separately from the records of  
54 criminal cases, and shall be open for inspection by the public. If a determination under this  
55 subsection is necessary, the detaining agency shall present the information necessary to obtain

56 such determination to the appropriate judicial officer as soon as reasonably possible after the  
57 detention begins, but no later than 12 hours after the detention begins.

58 (e) This section shall not be construed to give rise to a private right of action and shall not  
59 be construed so as to make unlawful any arrest in this commonwealth which would otherwise be  
60 lawful.

61 SECTION 2. Notwithstanding any general or special law to the contrary, any funds  
62 expended for the purpose of providing services through or related to those served by the  
63 emergency housing assistance program shall be subject to a competitive bidding process.

64 SECTION 3. Section 30 of Chapter 23B of the General Laws, as appearing in the 2022  
65 Official Edition, is hereby amended by inserting the following paragraph after the first  
66 paragraph:-

67 (a) Notwithstanding any general or special law, rule, or regulation to the contrary,  
68 eligibility for the emergency housing assistance program shall be limited to (1) United States  
69 citizens and (2) lawfully present immigrants who have maintained continuous legal residency in  
70 the Commonwealth of Massachusetts for at least 12 consecutive months immediately prior to the  
71 date of application.

72 (b) Acceptable proof of legal residency must consist of the following two forms of  
73 documentation, both issued at least 12 months before the application date:

74 Proof of U.S. Citizenship or Lawful Permanent Residency: (1) A valid U.S. Passport with  
75 a Massachusetts address; (2) A certified U.S. Birth Certificate with proof of Massachusetts

76 residency; (3) A valid Certificate of Naturalization or Citizenship; (4) A valid Green Card  
77 (Permanent Resident Card) issued at least one year prior.

78 Proof of Continuous Residency in Massachusetts: (1) Filed Massachusetts state income  
79 tax return for the most recent tax year r; (2) Valid REAL ID-compliant Massachusetts driver's  
80 license issued at least one year prior; (3) Utility bill, lease, or mortgage statement in the  
81 applicant's name, dated at least one year prior; Or (4) pay stubs showing continuous  
82 Massachusetts employment for at least one year.

83 (d) All submitted documentation shall be subject to verification by the Executive Office  
84 of Housing and Livable Communities in coordination with the Department of Revenue and the  
85 Registry of Motor Vehicles. Any attempt to submit fraudulent documents will result in  
86 permanent disqualification from the program.

87 (e) The Executive Office of Housing and Livable Communities shall promulgate  
88 regulations to enforce this residency requirement, including procedures for cross-agency  
89 verification and fraud detection.

90 (f) For purposes of this section, a residency requirement shall not be required for victims  
91 of domestic violence; or a person whose living situation has been affected by a fire or other  
92 natural disaster that occurred in Massachusetts.

93 SECTION 4. Section 30 of Chapter 23B of the General Laws, as appearing in the 2022  
94 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

95 "Notwithstanding any general or special law to the contrary, no individual convicted or  
96 charged with a violent felony or a sexual offense pursuant to chapter 265 of the General Laws, as

97 so appearing, while receiving benefits pursuant to this chapter shall be eligible to continue to  
98 receive such benefits absent a written waiver issued by the secretary of the executive office of  
99 housing and livable communities."

100 SECTION 5. The office of the inspector general, shall, subject to appropriation, convene  
101 a special unit for the purpose of providing ongoing and comprehensive oversight of actions taken  
102 by the commonwealth in response to the ongoing crisis attributable to the influx of migrants into  
103 the state. Such a special unit shall identify, review, and analyze the cost and cost-effectiveness of  
104 specialized contracts and procurements, and payments for such resources as food, and housing,  
105 healthcare, education, and legal services.

106 Said unit shall file reports, together with legislative and regulatory recommendations,  
107 with the clerks of the House and Senate, the Senate and House Committees on Ways and Means,  
108 and the Secretary of Administration and Finance quarterly, beginning not later than 3 months  
109 following the passage of this act, for a period of not less than 3 years, unless otherwise such  
110 requirement is otherwise modified, terminated, or extended, provided that such reports shall also  
111 be posted electronically so as to enable public inspection.

112 SECTION 6. Section 5 shall expire 3 years after the passage of this act.

113 SECTION 7. Section 30 of Chapter 23B of the General Laws, as appearing in the 2022  
114 Official Edition, is hereby amended by inserting the following paragraph after the first  
115 paragraph:-

116 The executive office shall prioritize access to emergency shelter assistance for the  
117 following groups: (1) Veterans as defined by section 1 of chapter 115; (2) elderly persons as  
118 defined in section 14 of chapter 19A; (3) families with legal residence in the Commonwealth

119 who are homeless or at risk of homelessness, as defined by regulations promulgated by the  
120 executive office; (4) victims of domestic violence; or (5) a person whose living situation has  
121 been affected by a fire or other natural disaster that occurred in Massachusetts.

122 SECTION 8. Paragraph (G) of section 30 of chapter 23B of the General Laws, as most  
123 recently amended by section 3 of chapter 88 of the Acts of 2024, is hereby amended by striking  
124 out subparagraph (3) and inserting in place thereof the following paragraph:-

125 (3) A family with children or a pregnant woman with no other children that receives  
126 benefits through the emergency housing assistance program shall, subject to appropriation and  
127 rules and regulations, remain eligible for the program for not more than 6 consecutive months.

128 SECTION 9. (a) For purposes of this Act “Background Check” shall be defined as a “a  
129 comprehensive review of an individual’s personal, criminal, and financial history, including but  
130 not limited to: criminal records at the state, federal, and international levels; employment history;  
131 education verification; immigration or residency status; financial history, including credit  
132 checks; presence on international or domestic criminal watch lists.”

133 (b) The background check shall be conducted by an approved and licensed entity that  
134 complies with federal, state, and local laws governing background investigations, including but  
135 not limited to the United States Fair Credit Reporting Act.

136 (c) The required background check shall include, but is not limited to: criminal history  
137 review, including state, national, and international records; verification of employment and  
138 education history; immigration and residency status verification through the Department of  
139 Homeland Security or its equivalent; review of financial history, including creditworthiness, if  
140 applicable to program eligibility criteria; social security number verification and identification

141 validation; and, screening against state and federal sex offender registries and other public safety  
142 databases.

143 (d) Law enforcement agencies accessing data under this provision shall adhere to all  
144 applicable state and federal privacy and data protection laws.

145 (e) Individuals with criminal convictions related to violent crimes, sexual offenses, fraud,  
146 or other serious offenses committed within the past 10 years may be deemed ineligible for  
147 housing program participation, subject to review by the administering agency.

148 (f) All information obtained through the background check process and data access under  
149 this Act shall be kept confidential and used solely for the purposes provided in this Act.

150 (g) Administering agencies and law enforcement must establish secure systems for the  
151 storage and handling of sensitive information.

152 (h) Background check and data access procedures under this Act shall comply with all  
153 applicable state and federal privacy laws, including but not limited to the General Data  
154 Protection Regulation (GDPR) for international applicants.

155 (i) Any agency or entity administering housing programs or managing data found in  
156 violation of this Act shall be subject to penalties, including fines, suspension of funding, or other  
157 sanctions as determined by the Executive Office of Housing and Livable Communities or other  
158 applicable authorities.

**SENATE . . . . . No. 1273**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 judicial authority to maintain election integrity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Peter J. Durant</i>	<i>Worcester and Hampshire</i>	<i>3/17/2025</i>

**SENATE . . . . . No. 1273**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1273) of Bruce E. Tarr for legislation relative the power of courts and judges to maintain election integrity. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relative to judicial authority to maintain election integrity.

*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 103 of Chapter 54 of the Massachusetts General Laws is hereby amended by
- 2 inserting at the end the following thereof:-- "Administrative decisions made by the Secretary of
- 3 State or any administrative body may be appealed to the Superior Courts.

**SENATE . . . . . No. 1274**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_

PRESENTED BY:

***Bruce E. Tarr, (BY REQUEST)***

\_\_\_\_\_

*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 strengthen rules governing attorney conduct; penalties for misconduct.

\_\_\_\_\_

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Gracemarie R. Tomaselli</i>	
<i>Joyce A. Tomaselli</i>	
<i>John Lundgren</i>	
<i>Sandra Lundgren</i>	
<i>Dave Costanzo</i>	
<i>Alexis Lundgren</i>	

**SENATE . . . . . No. 1274**

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By Mr. Tarr (by request), a petition (accompanied by bill, Senate, No. 1274) of Gracemarie R. Tomaselli, , Joyce A. Tomaselli, , John Lundgren, , Sandra Lundgren, and others for legislation to strengthen rules governing attorney conduct; penalties for misconduct. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1131 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act to strengthen rules governing attorney conduct; penalties for misconduct.

*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 221 of the General Laws is hereby amended by striking out section 40 and  
2 inserting in place thereof the following new section:-

3 Section 40. Penalty for deceit or collusion; damages; disbarment

4 Section 40. (a) An attorney who is guilty of deceit or collusion, or consents thereto, with  
5 intent to deceive a court or judge, or party to an action or proceeding, or who knowingly makes a  
6 false statement of fact or law to a tribunal or fails to correct a false statement of material fact or  
7 law previously made to the tribunal by the attorney, or who knowingly fails to disclose to the  
8 tribunal legal authority in the controlling jurisdiction known to the attorney to be directly adverse  
9 to the position of the client and not disclosed by opposing counsel, or who knowingly offers

10 evidence that the attorney knows to be false, except as provided in Massachusetts Rules of  
11 Professional Conduct Rule 3.3(e) with respect to criminal proceedings, is subject to discipline  
12 and shall forfeit to the injured party treble damages to be recovered in a civil action. An attorney  
13 must comply with the rules provided in the Massachusetts Rules of Professional Conduct and the  
14 analysis of precedent and the evaluation of evidence in accordance with the American Bar  
15 Association.

16 (b) All attorneys, officers of the court, counselors, including government attorneys,  
17 municipal counsel, town counsel, counsel for a city, employed to prosecute or defend claims,  
18 actions or proceedings by or on behalf of any municipal entity or agency, even if a private law  
19 firm is retained as municipal counsel, who violate their oath, are involved in any activity related  
20 to the judicial phase of a proceeding, commit perjury, suborn perjury, fail to disclose material  
21 evidence, submit or fabricate evidence, submit tainted evidence, intentionally misrepresent  
22 material facts, misrepresent case law, abuse the legal process, obstruct justice, are involved in  
23 deceit, concealment or nondisclosure of relevant information or material facts or relevant  
24 documents or collusion meant to deceive the court or any opposing party, deceive a party in an  
25 action or proceeding, commence an action or proceedings unjustifiably and without basis, engage  
26 in gross misconduct or egregious conduct that is willful, malicious, in bad-faith or deliberate  
27 betrayal of their special obligation to protect the integrity of the court and foster their truth-  
28 seeking function or that is prejudicial to the administration of justice, tamper with administration  
29 of justice involving dishonesty, fraud, deceit or misrepresentation to a court, commit fraud on the  
30 court, tell falsehoods or consent to present any falsehoods, or present to the court warped and  
31 distorted facts as to create an erroneous impression in the minds of those who observe them as

32 true and genuine which leads directly to incorrect results causing harm to the opposing party  
33 shall:

34 (i) never be granted absolute immunity;

35 (ii) never be granted the litigation privilege;

36 (iii) not be granted qualified immunity and shall be held accountable when they  
37 irresponsibly exercise power or violate the law;

38 (iv) be liable for a single violation even though no pattern or practice of prior violations  
39 exists;

40 (v) be liable for their wrongful act that obtained a judgment under circumstances which  
41 would make it inequitable for them to retain its benefit;

42 (vi) be liable for assisting their client in a fraudulent act that resulted in harm to the  
43 opposing party or parties.

44 (c) Monetary damages awarded in civil legal action for attorney misconduct pursuant to  
45 this section shall be given to the person(s) wronged by the attorney's action(s), including, but not  
46 limited to, compensatory and punitive treble damages for the harmed person(s) losses or  
47 potential losses. Every litigant, whether defendant or plaintiff, as the victim of the attorney's  
48 wrongdoings specified in this section, has standing to bring a civil action for treble damages.

49 (d) This law carries no time limit to file a civil action for damages caused by the attorney.

50 (e) An attorney may be removed by the supreme judicial or superior court for fraud on  
51 the court, deceit, malpractice, knowingly making a false statement of fact or law to a tribunal, or

52 failing to correct a false statement of material fact or law previously made to the tribunal by the  
53 attorney, knowingly failing to disclose to the tribunal legal authority in the controlling  
54 jurisdiction known to the attorney to be directly adverse to the position of the client and not  
55 disclosed by opposing counsel, knowingly offering evidence that the attorney knows to be false,  
56 except as provided in Massachusetts Rules of Professional Conduct Rule 3.3(e) with respect to  
57 criminal proceedings, or other gross misconduct, and shall also be liable for treble damages to  
58 the person injured thereby, and to such other punishment as may be provided by law. Whenever  
59 a petition is filed for the removal of an attorney, the proceedings thereafter shall be conducted by  
60 an attorney to be designated by the court. The expenses of the inquiry and proceedings in either  
61 court shall be paid as in criminal prosecutions in the superior court.

**SENATE . . . . . No. 1276**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*John C. Velis*

*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 dangerousness hearings.

PETITION OF:

NAME:

*John C. Velis*

DISTRICT/ADDRESS:

*Hampden and Hampshire*

**SENATE . . . . . No. 1276**

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By Mr. Velis, a petition (accompanied by bill, Senate, No. 1276) of John C. Velis for legislation relative to dangerousness hearings. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1140 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to dangerousness hearings.

*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. Said chapter 276 is hereby amended by striking out subsection (1) of  
2 section 58A, as appearing in the 2022 Official Edition, and inserting in place thereof the  
3 following subsection:-

4           The commonwealth may move, based on dangerousness, for an order of pretrial detention  
5 or release on conditions when a defendant has been charged with any of the following: (a) felony  
6 offense that has as an element of the offense the use, attempted use or threatened use of physical  
7 force against the person of another; (b) the crimes of burglary or arson; (c) a violation of an order  
8 pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of  
9 chapter 209 A or section 15 or 20 of chapter 209C; (d) a misdemeanor or felony involving abuse  
10 as defined in section 1 of said chapter 209A or while an order of protection issued under said

11 chapter 209A was in effect against such person; (e) an offense for which a maximum penalty of  
12 ten years or more is prescribed in chapter 94C; (f) a violation of section 13B of chapter 268; (g) a  
13 third or subsequent violation of section 24 of chapter 90 or section 8 of chapter 90B; or a  
14 violation of section 24G of chapter 90 which occurs under the influence of alcohol or drugs, or a  
15 violation of section 8B of chapter 90B; (h) a violation of section 131N of chapter 140 or  
16 subsection (a), (b), (c), (d), (h), (j) or (m) of section 10 or section 10A, 10E, 10G or 11 C of  
17 chapter 269, provided, however, that the commonwealth may not move for an order of detention  
18 under this section based on possession of a large capacity feeding device without simultaneous  
19 possession of a large capacity weapon; torture of animals, or any abuse of animals which  
20 constitutes a violation of section 77 or 94 of chapter 272, or of section 112 of chapter 266; a sex  
21 offense involving a child as defined in section 178C of chapter 6; a violation of section 13, 13 ½,  
22 13B, 13B ½, 13 B ¾, 13F, 18B, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 25, 26B, 26C, 37, 43A, 50  
23 or 51 of chapter 265 or a violation of section 13D of said chapter 265 in which the public  
24 employee is a police officer or firefighter engaged in the performance of his or her duties; a  
25 violation of section 4A, 4B, 16, 29A, 29B, 29C, 77 or 105 of chapter 272; a violation of section  
26 102, or a malicious violation of section 127 of chapter 266; threats to kill, rape, or cause serious  
27 bodily injury; conspiracy or solicitation to commit any of the above enumerated crimes.

28 SECTION 2. Said chapter 276 is hereby amended by striking out subsection (3) of  
29 section 58A and inserting in place thereof the following subsection:-

30 (a) If, after a hearing pursuant to the provisions of subsection (4), the district or superior  
31 court justice finds by clear and convincing evidence that no conditions of release will reasonably  
32 assure the safety of any other person or the community, said justice shall order the detention of  
33 the person prior to trial. A person so detained shall be detained until the disposition of the case

34 and shall brought to trial as soon as reasonably possible and subject to the requirements of Rule  
35 36.

36 (b) Nothing in this section shall be construed as modifying or limiting the presumption of  
37 innocence.

38 (c) A hearing under this section may be reopened by the judge, at any time before trial, or  
39 upon a motion of the commonwealth or the person detained if the judge finds that: (i)  
40 information exists that was not known at the time of the hearing or that there has been a change  
41 in circumstances and (ii) that such information or change in circumstances has a material bearing  
42 on the issue of whether there are conditions of release that will reasonably assure the safety of  
43 any other person or the community.

44 (d) On an annual basis, the Secretary of Public Safety shall conduct an analysis of  
45 prosecutorial decisions to seek dangerousness hearings within the Commonwealth, and judicial  
46 determinations of dangerousness when a hearing is conducted. Such analysis shall examine the  
47 treatment of offenders and determine whether offenders who are charged with the same offenses  
48 and who have similar criminal histories are treated equally to one another, or whether there is  
49 disparate impact by race, gender, or ethnicity. The trial court shall provide to the Department of  
50 Criminal Justice Information Services data regarding the number and location of dangerousness-  
51 eligible offenses, the number of dangerousness hearings that are conducted, the outcome of such  
52 hearings, and the demographic information of the accused parties. The analysis of the Secretary  
53 of Public Safety shall be presented to the General Court and shall be a public document.

54 SECTION 3. Said chapter 276 is hereby amended by adding to the conclusion of section  
55 58, as appearing in the 2016 Official Edition, the following subsection:-

56 (1) Any adult who has been charged with a crime, and any adult guardian of a juvenile  
57 who has been charged with an act of delinquency, shall be requested to voluntarily provide the  
58 court with his or her cellular telephone number, if the defendant or guardian has such a device,  
59 but may decline to do so; provided, however, that upon the order of a judicial officer a defendant  
60 may be required to provide such information. The executive office of the trial court shall  
61 procure or establish a service using a system of automated text messaging to remind criminal  
62 defendants of mandatory court appearance dates in advance of the date of such appearance. Such  
63 service shall be made available to all criminal defendants and to the guardians of juvenile  
64 defendants free of charge. Information so provided by a criminal defendant or the guardian of a  
65 juvenile defendant pursuant to this subsection shall not be deemed to be a public record, shall not  
66 be provided to law enforcement agencies for criminal investigative purposes, and may not be  
67 used against the defendant in any criminal proceeding; provided, however, that the fact that a  
68 party did or did not participate in this system shall be marked on the docket, and such fact may  
69 be used in a proceeding if otherwise admissible. This subsection shall take effect on July 1, 2023.

70 SECTION 4. Said chapter 276 is hereby amended by inserting after section 82A the  
71 following section:-

72 Section 82B. (1) A person who violates any non-financial condition of release ordered  
73 under section 58 of chapter 119, section 58, 58A, 58B, 59, or 87 of this chapter, or section 1 or  
74 1A of chapter 279; or any other non-financial condition of probation imposed by a court after  
75 conviction or admission to sufficient facts; or any non-financial term or condition of parole  
76 imposed by the parole board; may be arrested upon probable cause by a sheriff, deputy sheriff or  
77 police officer and kept in custody in a convenient place, not more than 24 hours, Sunday  
78 excepted, until notice of the violation can be given to the probation service, and such person be

79 taken before the issuing court upon a warrant obtained by the probation service; or, in the case of  
80 a person under parole supervision, to the parole board.

81 (2) The trial court, the probation service and the parole board shall promptly provide to  
82 the department of criminal justice information services records of all non-financial conditions of  
83 release imposed upon criminal defendants and delinquent children, and all non-financial  
84 conditions of probation and parole, and the department of criminal justice information services  
85 shall make such information accessible in electronic format to sheriffs, deputy sheriffs and police  
86 officers.

87 SECTION 5. Chapter 268 of the General Laws is hereby amended by inserting after  
88 section 13D the following section:-

89 Section 13E. Whoever unlawfully removes, destroys, damages, or interferes with the  
90 proper functioning of a court-imposed geolocation monitoring device, any breath-testing  
91 instrument, or any other mechanical or electronic mechanism intended to facilitate recognizance  
92 or compliance with conditions of pretrial release, probation or parole, shall be punished by  
93 imprisonment in the state prison for not more than 10 years or imprisonment in a house of  
94 correction for not more than 2 and ½ years. A sentence imposed for violation of this section  
95 shall not run concurrently with any other sentence. In any subsequent proceeding under section  
96 58, 58A, 58B or 59 of chapter 276, the fact of a person's prior violation of this section shall be  
97 prima facie evidence that there is no financial condition or other condition of release that will  
98 reasonably assure the presence of the person so convicted.

**SENATE . . . . . No. 1285**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*John C. Velis*

*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 ensuring an appropriate response to shoplifting.**

PETITION OF:

NAME:

*John C. Velis*

DISTRICT/ADDRESS:

*Hampden and Hampshire*

**SENATE . . . . . No. 1285**

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By Mr. Velis, a petition (accompanied by bill, Senate, No. 1285) of John C. Velis for legislation relative penalties for shoplifting and judicial discretion when a person is dealing with a substance use disorder. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act ensuring an appropriate response to shoplifting.

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

- 1 Paragraph 6 of section 30A of chapter 266 of the General Laws is hereby amended by
- 2 inserting at the end thereof the following words:- At the discretion of the judge, an evaluation for
- 3 substance use disorder may be ordered.