

# HOUSE . . . . No. 2192

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 6, 1948.

The committee on Public Welfare, to whom were referred the petition (accompanied by bill, House, No. 629) of J. Paul Doyle (Commissioner of Correction) and Vincent A. Mannering for additional deduction of time off as compensation for inmates of state penal institutions and relative to inmate labor in prison maintenance, industrial and farm programs, the petition (accompanied by bill, House, No. 1363) of George T. Lanigan for additional deductions of time off as compensation for inmates of state penal institutions and relative to inmate labor in prison maintenance and industrial programs, the petition (accompanied by bill, House, No. 1540) of Enrico Cappucci and David M. Cleary for legislation relative to granting additional deductions of prison sentences, and the petition (accompanied by bill, House, No. 1541) of Enrico Cappucci and David M. Cleary that additional hearings be granted to persons serving life sentences in certain penal institutions, report the accompanying bill (House, No. 2192).

For the committee,

THOMAS A. SCANLAN.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

### AN ACT RELATIVE TO DEDUCTIONS FROM MAXIMUM SENTENCES OF PRISONERS.

*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 127 of the General Laws is  
2 hereby amended by striking out section 129, as most  
3 recently amended by section 1 of chapter 131 of the  
4 acts of 1947, and inserting in place thereof the fol-  
5 lowing: —

6 *Section 129.* The officer in charge of each prison  
7 or other place of confinement, except a defective de-  
8 linquent department, shall keep a record of the con-  
9 duct of each prisoner, except a prisoner serving a  
10 life sentence, in his custody whose term of imprison-  
11 ment is four months or more. Every such prisoner  
12 whose record of conduct shows that he has faith-  
13 fully observed all the rules of his prison or other  
14 place of confinement, and has not been subjected to  
15 punishment, shall be entitled to have the term of  
16 his imprisonment reduced by a deduction from the  
17 maximum term for which he may be held under his  
18 sentence or sentences, which shall be determined as  
19 follows: Upon a sentence of not less than four  
20 months and less than one year, one day for each  
21 month; upon a sentence of not less than one year

22 and less than three years, three days for each month;  
23 upon a sentence of not less than three years and less  
24 than five years, four days for each month; upon a  
25 sentence of not less than five years and less than ten  
26 years, five days for each month; upon a sentence of  
27 not less than ten years or more, six days for each  
28 month. If a prisoner has two or more sentences to  
29 be served concurrently or otherwise, the maximum  
30 period of time for which he may be held under his  
31 sentences shall be the basis upon which the deduction  
32 shall be determined. If a prisoner violates any of  
33 the rules of his prison or other place of confinement,  
34 the commissioner of correction, county commissioner,  
35 and, in Suffolk county, the penal institution com-  
36 missioner of Boston, upon the recommendation and  
37 evidence submitted to them, respectively, in writing  
38 by the warden, superintendent, or officer in charge,  
39 shall decide what part, if any, of such good conduct  
40 deduction from sentence or sentences shall be for-  
41 feited by such violation of the rules of his prison or  
42 other place of confinement.

43 For the satisfactory and diligent performance of  
44 work assigned to a prisoner, he shall be entitled to  
45 a further deduction from the maximum term for  
46 which he may be held under his sentence or sen-  
47 tences, which shall be determined as follows: Upon  
48 a sentence of not less than four months and less than  
49 three years, one day for each month; upon a sentence  
50 of not less than three years and less than five years,  
51 two days for each month; upon a sentence of not  
52 less than five years, and less than ten years, three  
53 days for each month; upon a sentence of ten years  
54 or more four days for each month. If a prisoner  
55 has two or more sentences to be served concurrently

56 or otherwise the maximum period of time for which  
57 he may be held under his sentence shall be the basis  
58 upon which the deduction shall be determined. If a  
59 prisoner fails so to perform such work, the com-  
60 missioner of correction, county commissioner, and in  
61 Suffolk county, the penal institution commissioner  
62 of Boston, upon the recommendation and evidence  
63 submitted to them respectively in writing by the  
64 warden, superintendent, or officer in charge, shall  
65 decide what part, if any, of such further deduction  
66 from sentence or sentences shall be forfeited by such  
67 failure.

68 If, during the term of imprisonment of a prisoner  
69 confined in a state or county institution, such prisoner  
70 shall commit any offence of which he shall be con-  
71 victed and sentenced, all deductions hereunder from  
72 the former sentence of imprisonment of such prisoner  
73 shall be thereby forfeited.

74 If a prisoner, while on parole from a state penal  
75 institution, violates his parole and is returned to the  
76 institution for such violation, the parole board shall  
77 determine what part, if any, of any good conduct  
78 deduction from sentence or sentences shall be for-  
79 feited as a result of such violation, but no deduction  
80 from sentence or sentences granted for satisfactory  
81 and diligent work shall be so forfeited.

82 A prisoner in a state penal institution who is en-  
83 titled to have the term of his imprisonment reduced  
84 shall receive from the parole board a certificate of  
85 discharge and shall be released from the prison in  
86 which he has been confined, upon the date which has  
87 been determined by such deductions from the maxi-  
88 mum term of his sentence or sentences. A prisoner  
89 in a county penal institution who is entitled to have

90 the term of his imprisonment reduced shall receive  
91 from the county commissioners or, in Suffolk county,  
92 the penal institution commissioner of Boston, a cer-  
93 tificate of discharge and shall be released from the  
94 prison in which he has been confined, upon the date  
95 which has been determined by such deduction from  
96 the maximum term of his sentence or sentences. A  
97 prisoner heretofore or hereafter released on parole  
98 from a state penal institution who has faithfully ob-  
99 served all the rules of his parole, and has not been  
100 returned to prison for the violation of his parole,  
101 shall be entitled to have the term of his imprisonment  
102 reduced by a deduction from the maximum term for  
103 which he may be held under the sentence or sen-  
104 tences, to be determined in the same manner as if  
105 he had not been released on parole, except that any  
106 deduction for the satisfactory and diligent perform-  
107 ance of work shall be determined only for that por-  
108 tion of the sentence or sentences during which he was  
109 actually confined, and shall receive from the parole  
110 board a certificate of final discharge and release from  
111 further supervision upon the date which has been  
112 determined by such a deduction from the maximum  
113 term of his sentence or sentences. Provided, how-  
114 ever, that when any person serving a sentence im-  
115 posed for a violation of section twenty-three of chap-  
116 ter two hundred and sixty-five or for an attempt to  
117 commit the crime referred to in said section twenty-  
118 three is released in accordance with the provisions  
119 hereof, he shall not be given any certificate of dis-  
120 charge hereunder, but shall be released on parole and  
121 shall be subject to the provisions of law governing  
122 parole until the expiration of the term of imprison-  
123 ment to which he has been sentenced.

124 The total of all deductions from sentence or sen-  
125 tences under this section shall not reduce the maxi-  
126 mum term of any prisoner's sentence or sentences to  
127 a date earlier than sixty days subsequent to the time  
128 such prisoner first becomes eligible for parole.

1 SECTION 2. Said chapter 127 is hereby further  
2 amended by striking out section 130, as appearing in  
3 section 2 of chapter 543 of the acts of 1946, and in-  
4 serting in place thereof the following section: —

5 *Section 130.* No prisoner shall be granted a parole  
6 permit merely as a reward for good conduct or satis-  
7 factory and diligent performance of duties assigned  
8 in prison, but only if the board or officer having  
9 jurisdiction is of the opinion that there is a reasonable  
10 probability that, if such prisoner is released, he will  
11 live and remain at liberty without violating the law,  
12 and that his release is not incompatible with the  
13 welfare of society. A prisoner to whom a parole  
14 permit is granted shall be allowed to go upon parole  
15 outside prison walls and inclosure upon such terms  
16 and conditions as the board or officer having juris-  
17 diction shall prescribe, but shall remain, while thus  
18 on parole, subject to the jurisdiction of such board  
19 or officer until the expiration of the term of imprison-  
20 ment to which he has been sentenced or until the  
21 date which has been determined by deductions from  
22 the maximum term of his sentence or sentences for  
23 good conduct and for satisfactory and diligent per-  
24 formance of work.

1 SECTION 3. The provisions of this act shall be  
2 applicable to prisoners sentenced before, as well as  
3 to those sentenced on or after, its effective date.



