
By Mr. Vaitses of Melrose (by request), petition of Margery LaPorte relative to the sentencing, diagnosing and treatment of persons convicted of certain crimes. Public Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT IN RELATION TO THE SENTENCE, STUDY, DIAGNOSIS AND TREATMENT OF PERSONS CONVICTED OF CERTAIN CRIMES.

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. *Psychiatric and Psychological Services to*
2 *the Department of Correction.* 1. The department of men-
3 tal health shall provide, within the amount appropriated
4 therefor, psychiatric and psychological services to the de-
5 partment of correction and the parole board. Such serv-
6 ices shall include psychiatric and psychological study,
7 examination, diagnosis and treatment of prisoners and
8 parolees.
- 9 2. The commissioner shall assign personnel trained in
10 psychiatry and psychology to the department of correc-
11 tion to operate psychiatric and diagnostic clinics and to
12 provide the other services set forth in subdivision one,
13 and may establish training courses for such personnel
14 and conduct research into the nature and causes of crim-
15 inal behavior and methods of therapy for such behavior
16 either at the psychiatric institute or in other institutions
17 appropriate for such research within the commonwealth.
- 18 3. For the purposes of this section the commissioner of
19 mental health and personnel assigned by him to render
20 the psychiatric and psychological services required in

21 this program shall have access to all records and informa-
22 tion affecting the prisoners to be examined.

1 SECTION 2. *Psychiatric and Diagnostic Clinics.* — The
2 commissioner of correction is hereby authorized and di-
3 rected to organize and establish such psychiatric and di-
4 agnostic clinics in the institutions under his jurisdiction as
5 he deems necessary within the amount appropriated
6 therefor. Until April first, nineteen hundred fifty-six
7 the work of such clinics shall be jointly directed by the
8 commissioner of correction, the commissioner of mental
9 health and the chairman of the board of parole.

1 SECTION 3. *Work of the Clinics.* — At the clinics the
2 physical and mental condition of prisoners whose crimi-
3 nal record, behavior or other factors indicate to the per-
4 sons directing the work of such clinics the need of study
5 and treatment and of all prisoners serving an indeter-
6 minate term having a minimum of one day and a maxi-
7 mum of natural life shall be determined. The work of
8 the clinics shall include scientific study of each such crim-
9 inal, including his career and life history, investigation of
10 the cause of crime, and recommendation for the care,
11 training and employment of criminals with a view to
12 their reformation and to the protection of society. Each
13 of the different phases of the work of the clinics shall be
14 so coordinated with all the other phases of clinic work as
15 to be a part of a unified and comprehensive scheme in the
16 study and treatment of such prisoners. After classifica-
17 tion in the clinics the inmates sentenced to state prison
18 shall be certified to the warden and recommendation
19 made to the commissioner of correction as to their dis-
20 position. The industries of the several prisons shall be
21 so organized that inmates can be sent to the institutions
22 best suited to their mental and physical capacity and
23 adaptability.

1 SECTION 4. *Pre-parole Records.* — As each prisoner
2 sentenced under an indeterminate sentence is received in

3 state institutions it shall be the duty of the parole board
4 while the case is still fresh to cause to be obtained and
5 filed information as complete as may be obtainable at
6 that time with regard to each such prisoner. Such in-
7 formation shall include a complete statement of the crime
8 for which he is then sentenced, the circumstances of such
9 crime, the nature of his sentence, the court in which he
10 was sentenced, the name of the judge and district attor-
11 ney and copies of such probation reports, as may have
12 been made as well as reports as to the prisoner's social,
13 physical, mental and psychiatric condition and history.
14 It shall be the duty of the clerk of the court, the commis-
15 sioner of mental health and all probation officers and
16 other appropriate officials to send such information as
17 may be in their possession or under their control to the
18 board of parole upon request. The board of parole shall
19 also at that time obtain and file a copy of the complete
20 criminal record of such prisoner including any children's
21 court record that may exist. When all such existing avail-
22 able records have been assembled, they shall be presented
23 to the board of parole or to some officer designated by it,
24 who shall determine whether any further investigation of
25 such prisoner is necessary at that time, and, if so, the
26 nature of such investigation, and shall thereupon order
27 it to be made. Such investigations shall be made while
28 the case is still recent, and the results of them with all
29 other information shall be filed in the office of the divi-
30 sion so as to be readily available when the parole of such
31 prisoner is being considered.

1 SECTION 5. *Prisoners subject to Parole.* — Every per-
2 son sentenced to an indeterminate sentence and confined
3 in a state prison, when he has served a period of time
4 equal to the minimum sentence imposed by the court
5 for the crime of which he was convicted, shall be sub-
6 ject to the jurisdiction of the board of parole. The time
7 of his release shall be discretionary with the board of pa-
8 role, but no such person shall be released until he has
9 served such minimum sentence nor, except persons serv-

10 ing an indeterminate sentence having a minimum of one
11 day and a maximum of his natural life, until he shall
12 have served one year. The action of the board of parole
13 in releasing prisoners shall be deemed a judicial function
14 and shall not be reviewable if done according to law.

1 SECTION 6. *Method of Release.* — 1. The release of a
2 prisoner on parole shall not be upon the application of the
3 prisoner, but solely upon the initiative of the board of pa-
4 role. No application for release on parole made by a
5 prisoner or on his behalf shall be entertained by the board
6 of parole.

7 2. At least one month prior to the expiration of the
8 minimum term of each prisoner eligible for parole, it
9 shall be the duty of the board of parole to cause to be
10 brought before it all information with regard to such
11 prisoner referred to in section four.

12 3. Within six months after conviction and at least
13 once every two years thereafter during the term of each
14 prisoner sentenced for an indeterminate term, having a
15 minimum of one day and a maximum of his natural life,
16 the board of parole shall cause to be brought before it
17 with respect to such prisoners all information. When
18 considering the release on parole of such prisoner, the
19 board shall have before it a complete report of the physi-
20 cal, mental and psychiatric condition of such prisoner,
21 which report shall have been prepared within two months
22 of the date of such consideration, and shall contain all
23 facts and findings necessary to assist the board in making
24 its determination.

25 4. In addition and with respect to all prisoners, the
26 board of parole shall have before it a report from the
27 warden of each prison in which such prisoner has been
28 confined as to the prisoner's conduct in prison, with a
29 detailed statement as to all infractions of prison rules
30 and discipline, all punishments meted out to such pris-
31 oner and the circumstances connected therewith, as well
32 as a report from each such warden as to the extent to
33 which such prisoner has responded to the efforts made

34 in prison to improve his mental and moral condition, with
35 a statement as to the prisoner's then attitude towards
36 society, towards the judge who sentenced him, towards
37 the district attorney who prosecuted him, towards the
38 policeman who arrested him, and how the prisoner then
39 regards the crime for which he is in prison and his pre-
40 vious criminal career. In addition, the board shall have
41 before it a report from the superintendent of prison in-
42 dustries giving the prisoner's industrial record while in
43 prison, the average number of hours per day that he has
44 been employed in industry, the nature of his occupations
45 while in prison and a recommendation as to the kind of
46 work he is best fitted to perform and at which he is most
47 likely to succeed when he leaves prison. Such board shall
48 also have before it the report of such physical, mental and
49 psychiatric examinations as have been made of such pris-
50 oner which so far as practicable shall have been made
51 within two months of the time of his eligibility for pa-
52 role. The board of parole, before releasing any prisoner
53 on parole, shall have the prisoner appear before such
54 board and shall personally examine him and check up so
55 far as possible the reports made by prison wardens and
56 others mentioned in this section. Such board shall reach
57 its own conclusions as to the desirability of releasing such
58 prisoner on parole. No prisoner shall be released on pa-
59 role except by the unanimous vote of the members of the
60 board of parole hearing the case, nor unless such mem-
61 bers are satisfied that he will be suitably employed in
62 self-sustaining employment if so released.

1 SECTION 7. *Felony committed while on Parole.* — If
2 any prisoner, except a prisoner sentenced to an indeter-
3 minate term having a minimum of one day and a maxi-
4 mum of his natural life, be convicted in this state of a
5 felony committed while on parole from a state prison he
6 shall, in addition to the sentence which may be imposed
7 for such felony, and before beginning to serve such sen-
8 tence, be compelled to serve in state's prison the portion
9 remaining of the maximum term of the sentence on which

10 he was released on parole from the time of such release on
11 parole until the expiration of such maximum. If any
12 prisoner, except a prisoner sentenced for an indeterminate
13 term having a minimum of one day and a maximum of his
14 natural life, while on parole from a state prison shall com-
15 mit a crime under the laws of another state, government
16 or country which if committed within this state would be
17 a felony, and if he shall be convicted of such crime, he
18 shall upon being returned to this state be compelled to
19 serve in state prison the portion remaining of the maxi-
20 mum term of the sentence on which he was released on
21 parole from the time of such release on parole until the
22 expiration of such maximum.

1 SECTION 8. *Discharge from Parole.* — 1. Except as
2 provided in subdivision two and three of this section, no
3 person released on parole from a state prison shall be dis-
4 charged from parole prior to the expiration of the full
5 maximum term for which he was sentenced. The board
6 of parole, however, may relieve a prisoner on parole from
7 making further reports and may permit such prisoner to
8 leave the state, or country, if satisfied that this is for the
9 best interests of society.

10 2. The board of parole may grant a conditional or ab-
11 solute discharge from parole to any person who, subse-
12 quent to the time of his conviction, shall have served as
13 a member of the armed forces of the United States in
14 time of war and who shall have been honorably dis-
15 charged or released under honorable circumstances from
16 such service, if satisfied that this is for the best interests
17 of society.

18 3. The board of parole may grant a conditional or ab-
19 solute discharge from parole prior to the expiration of the
20 full maximum term to any person sentenced for an inde-
21 terminate term having a minimum of one day and a max-
22 imum of his natural life.

1 SECTION 9. Every prisoner confined in a state prison
2 or penitentiary, except a prisoner sentenced for an inde-
3 terminate term having a minimum of one day and a max-

4 imum of his natural life, may receive, for good conduct
5 and efficient and willing performance of duties assigned,
6 a reduction of his sentence not to exceed ten days for
7 each month of the minimum term in the case of an inde-
8 terminate sentence, or of the term as imposed by the
9 court in the case of a definite sentence. The maximum
10 reduction allowable under this provision shall be four
11 months per year, but nothing herein contained shall be
12 construed to confer any right whatsoever upon any pris-
13 oner to demand or require the whole or any part of such
14 reduction.

1 SECTION 10. *Punishment for Assault in Second Degree.*
2 — Assault in the second degree is punishable by impris-
3 onment in a penitentiary or state prison for a term not
4 exceeding five years, or by a fine of not more than one
5 thousand dollars, or both; provided, however, any per-
6 son convicted of assault in the second degree for an as-
7 sault upon another with intent to commit the felony of
8 rape in the first degree, rape in the second degree, sodomy
9 in the first degree, sodomy in the second degree or carnal
10 abuse may be punished by imprisonment for an indeter-
11 minate term, the minimum of which shall be one day and
12 the maximum of which shall be the duration of his natu-
13 ral life.

1 SECTION 11. *Carnal Abuse of a Child.* — Any person
2 of the age of eighteen years or over who carnally abuses
3 the body, or indulges in any indecent or immoral prac-
4 tices with the sexual parts or organs of a child of the age
5 of ten years or under, shall be guilty of a felony, punish-
6 able, on conviction thereof, by imprisonment for not
7 more than ten years or by imprisonment for an indeter-
8 minate term, the minimum of which shall be one day and
9 the maximum of which shall be the duration of his natu-
10 ral life.

1 SECTION 12. *Carnal Abuse of a Child of Ten Years of*
2 *Age and less than Sixteen.* — Any person who carnally
3 abuses the body of a child of the age of ten years and

4 over and less than sixteen years of age, or who indulges in
5 any indecent or immoral practice with the sexual parts
6 or organs of any such child, in a manner other than by an
7 act of sexual intercourse, shall be guilty of a misdemeanor,
8 punishable by fine of not more than five hundred dollars
9 or imprisonment for not more than one year, and shall be
10 guilty of a felony, punishable with imprisonment for not
11 more than ten years or with imprisonment for an inde-
12 terminate term, the minimum of which shall be one day
13 and the maximum of which shall be the duration of his
14 natural life, where such person has been previously con-
15 victed of a similar crime or of the crime of rape in the
16 first degree, rape in the second degree, abduction, sodomy
17 or incest or of the crime of endangering the morals of a
18 child or of the crime of carnal abuse of a child or of the
19 crime of assault in the second degree with intent to com-
20 mit the crime of rape, abduction, sodomy, incest or carnal
21 abuse of a child, or where such person has been previously
22 convicted of an attempt to commit any of the aforesaid
23 crimes.

1 SECTION 13. *Forfeiture of Office and Suspension of*
2 *Civil Rights.* — A sentence of imprisonment in a state
3 prison for any term less than for life or a sentence of im-
4 prisonment in a state prison for an indeterminate term,
5 having a minimum of one day and a maximum of natural
6 life, forfeits all the public offices, and suspends, during
7 the term of the sentence, all the civil rights, and all pri-
8 vate trusts, authority, or powers of, or held by, the per-
9 son sentenced; but nothing herein contained shall be
10 deemed to suspend the right or capacity of any of the
11 following persons to institute an action or proceeding
12 in a court or before a body or officer exercising judicial,
13 quasi-judicial or administrative functions, with respect
14 to matters other than those arising out of his arrest or
15 detention:

16 (a) A person sentenced to state prison for any term
17 less than for life or a person sentenced to imprisonment
18 in a state prison for an indeterminate term, having a

19 minimum of one day and a maximum of his natural life,
20 on whom sentence was imposed and the execution of the
21 judgment suspended, while the execution of the judg-
22 ment remains suspended;

23 (b) A person sentenced to state prison for any term
24 less than for life or a person sentenced to imprisonment
25 in a state prison for an indeterminate term, having a
26 minimum of one day and a maximum of his natural life,
27 while he is released on parole.

1 SECTION 14. *Consequence of Sentence to Imprisonment*
2 *for Life.* — A person sentenced to imprisonment for life
3 is thereafter deemed civilly dead. This section shall not
4 apply to a person sentenced to imprisonment for an inde-
5 terminate term, having a minimum of one day and a
6 maximum of his natural life.

1 SECTION 15. *Crime against Nature; Sodomy.* — A per-
2 son who carnally knows any male or female person by the
3 anus or by or with the mouth against the will and without
4 the consent of such other person; or,

5 1. When through idiocy, imbecility or any unsound-
6 ness of mind, either temporary or permanent, such other
7 person is incapable of giving consent, or, by reason of
8 mental or physical weakness, or immaturity, or any bod-
9 ily ailment, such other person does not offer resistance;
10 or,

11 2. When such other person's resistance is forcibly
12 overcome; or,

13 3. When such other person's resistance is prevented
14 by fear of immediate and great bodily harm, which such
15 other person has reasonably cause to believe will be in-
16 flicted upon such other person; or,

17 4. When such other person's resistance is prevented
18 by stupor, or weakness of mind produced by an intoxi-
19 cating, or narcotic, or anaesthetic agent; or, when such
20 other person is known by the defendant to be in such
21 state of stupor or weakness of mind from any cause; or,

22 5. When such other person is, at the time, unconscious

23 of the nature of the act, and this is known to the defend-
24 ant; or when such other person is in the custody of the
25 law, or of any officer thereof, or in any place of lawful
26 detention, temporary or permanent; or, a person who
27 carnally knows in any manner any animal or bird; or
28 attempts sexual intercourse with a dead body, is guilty
29 of sodomy in the first degree and is punishable with im-
30 prisonment for not more than twenty years or with im-
31 prisonment for an indeterminate term the minimum of
32 which shall be one day and the maximum of which shall
33 be the duration of his natural life.

34 A person twenty-one years of age or over who carnally
35 knows by the anus or by or with the mouth any male or
36 female person under the age of eighteen years, under cir-
37 cumstances not amounting to sodomy in the first degree
38 is guilty of sodomy in the second degree and punishable
39 with imprisonment for not more than ten years.

40 A person who carnally knows any male or female per-
41 son by the anus or by or with the mouth under circum-
42 stances not amounting to sodomy in the first degree or
43 sodomy in the second degree is guilty of a misdemeanor.

1 SECTION 16. *Punishment for Certain Second or Sub-*
2 *sequent Offences.* — A person, who, after having been once
3 convicted in this state or in any other state, government,
4 or country of the crime of rape in the first degree, rape in
5 the second degree, sodomy, sodomy in the first degree,
6 carnal abuse of a child or of the crime of assault in the sec-
7 ond degree with intent to commit the crime of rape in the
8 first degree, rape in the second degree, sodomy, sodomy in
9 the first degree, or carnal abuse or of an attempt to com-
10 mit any of such crimes or of a crime or an attempt to com-
11 mit a crime, which if committed within this state, would
12 have constituted any one of the crimes specified in this
13 paragraph, commits or attempts to commit a felony,
14 may, upon conviction of such second or subsequent of-
15 fence, be sentenced in lieu of any other punishment pre-
16 scribed by law to an indeterminate term, the minimum
17 of which shall be one day and the maximum of which
18 shall be the duration of his natural life.

1 SECTION 17. *Sexual Abuse while committing a Felony.*
2 — If any person while in the act of committing a felony,
3 except murder in the first degree, or of attempting to
4 commit a felony, shall carnally abuse the body or in-
5 dulse in any indecent or immoral practices with the
6 sexual parts or organs of a child of the age of sixteen
7 years or under; or shall carnally abuse or indulge in any
8 indecent or immoral practices with the sexual parts or
9 organs of any person and shall wound or inflict grievous
10 bodily harm upon such person or use a weapon or other
11 instrument or thing likely to produce grievous bodily
12 harm or administer or cause to be administered to or
13 taken by such person any poison or any other destruc-
14 tive or noxious thing, or any drug or medicine the use
15 of which is dangerous to life or health, or chloroform,
16 ether, laudanum or any other intoxicating, narcotic or
17 anesthetic agent, he may, in lieu of the punishment else-
18 where prescribed in this law for the felony of which he is
19 convicted, be sentenced to imprisonment for an indeter-
20 minate term the minimum of which shall be one day and
21 the maximum of which shall be the duration of his nat-
22 ural life.

1 SECTION 18. *Rape defined.* — A person who pepe-
2 trates an act of sexual intercourse with a female not his
3 wife, against her will or without her consent; or,
4 1. When through idiocy, imbecility or any unsound-
5 ness of mind, either temporary or permanent, she is in-
6 capable of giving consent or, by reason of mental or phys-
7 ical weakness, or immaturity, or any bodily ailment, she
8 does not offer resistance; or,
9 2. When her resistance is forcibly overcome; or,
10 3. Where her resistance is prevented by fear of immedi-
11 ate and great bodily harm, which she has reasonable
12 cause to believe will be inflicted upon her; or,
13 4. When her resistance is prevented by stupor, or
14 weakness of mind produced by an intoxicating, or nar-
15 cotic, or anaesthetic agent; or, when she is known by
16 the defendant to be in such state of stupor or weakness
17 of mind from any cause; or,

18 5. When she is, at the time, unconscious of the nature
19 of the act, and this is known to the defendant; or when
20 she is in the custody of the law, or of any officer thereof,
21 or in any place of lawful detention, temporary or perma-
22 nent,

23 Is guilty of rape in the first degree and punishable by
24 imprisonment for not more than twenty years or by im-
25 prisonment for an indeterminate term, the minimum of
26 which shall be one day and the maximum of which shall
27 be the duration of his natural life.

28 A person of the age of twenty-one years or over who
29 perpetrates an act of sexual intercourse with a female,
30 not his wife, under the age of eighteen years, under cir-
31 cumstances not amounting to rape in the first degree, is
32 guilty of rape in the second degree, and punishable with
33 imprisonment for not more than ten years.

34 A person who perpetrates an act of sexual intercourse
35 with a female, not his wife, under the age of eighteen
36 years, under circumstances not amounting to rape in
37 the first degree or rape in the second degree is guilty of
38 a misdemeanor.

1 SECTION 19. The terms "life imprisonment" or "im-
2 prisonment for life" shall not include imprisonment for
3 an indeterminate term having a minimum of one day
4 and a maximum of natural life.

1 SECTION 20. *Sentence to a state Vocational Institution.*
2 — Where a male person, sixteen years of age or over, but
3 less than nineteen years of age, has been adjudicated to
4 be a juvenile delinquent, or found to be a disorderly per-
5 son, or a wayward minor, or a vagrant, or found guilty
6 of any offence or of a misdemeanor, or of a felony, except
7 crimes punishable by death or by life imprisonment other
8 than a crime punishable with imprisonment for an inde-
9 terminate term having a minimum of one day and a max-
10 imum of his natural life, the trial court may, instead of
11 sentencing him to imprisonment in a state prison or in a
12 penitentiary, direct him to be confined in a state voca-

13 tional institution, under the provisions of the statutes
14 relating thereto. The term of any person so convicted
15 and sentenced for a felony shall not exceed the maximum
16 term, provided by law for the crime for which the person
17 so convicted and sentenced and in the case of any person
18 convicted and sentenced for any other offence or for a
19 misdemeanor, the term of imprisonment shall be for a
20 period not exceeding three years.

1 SECTION 21. *Sentence of Minors to Imprisonment.* —
2 Where a male person between the ages of sixteen and
3 twenty-one years is convicted of a felony, or where the
4 term of imprisonment of a male convict for a felony is
5 fixed by the trial court at one year or less, the court may
6 direct the convict to be imprisoned in a county peniten-
7 tiary, instead of a state prison, or in the county jail lo-
8 cated in the county where sentence is imposed. A child
9 of more than seven and less than sixteen years of age,
10 who shall commit any act or omission which, if committed
11 by an adult, would be a crime, except any child fifteen
12 years of age who commits an act which if committed by
13 an adult would be punishable by death or life imprison-
14 ment, other than a crime punishable with imprisonment
15 for an indeterminate term having a minimum of one day
16 and a maximum of his natural life, unless an order re-
17 moving the action to the children's court has been made
18 and shall not be deemed guilty of any crime, but of ju-
19 venile delinquency only, but any other person concerned
20 therein, whether as principal or accessory, who otherwise
21 would be punishable as a principal or accessory shall be
22 punishable as a principal or accessory in the same man-
23 ner as if such child were over sixteen years of age at the
24 time the crime was committed. Any child charged with
25 any act or omission which may render him guilty of ju-
26 venile delinquency shall be dealt with in the same man-
27 ner as now is or may hereafter be provided in the case of
28 adults charged with the same act or omission except as
29 specifically provided hertofore in the case of children
30 under the age of sixteen years.

1 SECTION 22. *Suspending Sentence; Suspending Ex-*
2 *ecution of Judgment; Probation.* — The court, judge, jus-
3 tice or magistrate authorized to impose sentence upon
4 conviction may, except as otherwise provided in this
5 section, (1) suspend sentence, or (2) may impose sen-
6 tence and suspend the execution of the judgment. In
7 either such case he may place the defendant on proba-
8 tion. Neither sentence, nor the execution thereof, shall
9 be suspended, nor the defendant placed on probation (a)
10 if convicted of a crime punishable by death or life impris-
11 onment, other than a crime punishable with imprison-
12 ment for an indeterminate term having a minimum of
13 one day and a maximum of his natural life, or (b) if the
14 defendant convicted is a fourth offender or (c) if the per-
15 son is convicted of a felony committed while armed with
16 a weapon.

17 No person, however, shall be placed on probation nor
18 in the case of a felony shall sentence, or the execution
19 thereof be suspended, until an investigation and report
20 shall have been made of the circumstances of his offence,
21 his criminal record, if any, and his social history and, to-
22 gether with the physical, mental or psychiatric examina-
23 tion if any presented in writing to and considered and
24 filed by the court, judge, justice or magistrate. No per-
25 son convicted of a crime punishable with imprisonment
26 for an indeterminate term having a minimum of one day
27 and a maximum of his natural life shall be placed on pro-
28 bation or have his sentence suspended until a psychiatric
29 examination shall have been made of him and a complete
30 written report thereof submitted to the court. Such ex-
31 amination shall be made in the manner prescribed. Such
32 report shall include all facts and findings necessary to as-
33 sist the court in disposing of the case.

34 The court on making an order placing a defendant on
35 probation for support of members of his family when
36 convicted of a violation of sections fifty or four hundred
37 eighty-one of this act, may require him to give an under-
38 taking with security similar to that authorized upon an
39 arraignment for the payment of moneys directed to be

40 paid by an order of support. In case of a felony, before
41 the sentence or execution of judgment may be suspended
42 or the defendant placed on probation, the district attor-
43 ney shall have been given an opportunity to be heard and
44 the court shall enter in the minutes the reasons for such
45 action. The court from time to time while the defendant
46 is on probation, may extend the period of probation to a
47 date to be fixed in the order, but within the longest per-
48 iod for which the defendant might have been sentenced
49 upon conviction. The court may, at any time within the
50 term of such defendant's probation and while such pro-
51 bation is in force, whether as an original or as an extended
52 term, revoke the order suspending sentence or its execu-
53 tion and may impose such sentence or make such com-
54 mitment as might have been made at the time of the
55 conviction. Provided, however, that the imprisonment
56 directed by the judgment, shall not be suspended or in-
57 terrupted after such imprisonment shall have commenced.

1 SECTION 23. *Indeterminate Sentences of One Day to*
2 *Life.* — No person convicted of a crime punishable in
3 the discretion of the court with imprisonment for an in-
4 determinate term, having a minimum of one day and a
5 maximum of his natural life, shall be sentenced until a
6 psychiatric examination shall have been made of him
7 and a complete written report thereof shall have been
8 submitted to the court. Such report shall include all
9 facts and findings necessary to assist the court in im-
10 posing sentence.

1 SECTION 24. *Method of Examination.* — The psychi-
2 atrists so designated shall forthwith examine the defend-
3 ant. Examinations may be made in the place where the
4 defendant is detained, or, upon recommendation of said
5 superintendent or director the court may commit the
6 defendant for a reasonable period for observation and ex-
7 amination to another place of detention or to such hos-
8 pital as may be designated by such superintendent or
9 director. When the defendant is committed to a hospi-

10 tal for examination the court, upon request of the super-
11 intendent or of the director of the division of psychiatry,
12 as the case may be, may require the sheriff of the county
13 where the defendant is under indictment, or the depart-
14 ment of correction to furnish sufficient deputies or officers
15 to guard such defendant.

1 SECTION 25. *Costs.* — Each psychiatrist designated
2 shall be entitled to his reasonable traveling expenses and
3 a fee of twenty-five dollars for each examination of the
4 defendant but not exceeding fifty dollars in fees in any
5 one case, except that if such psychiatrist be an employee
6 of the commonwealth of Massachusetts he shall be en-
7 titled only to reasonable traveling expenses. Such fees
8 and traveling expenses and the costs of sending a de-
9 fendant to another place of detention or to a hospital
10 for examination, of his maintenance therein and of re-
11 turning him shall, when approved by the court, be a
12 charge on the county in which the defendant is being
13 tried. The county may recover such cost from the estate
14 of the defendant, if he has any, or from a relative legally
15 responsible for his support. If a psychiatrist employed
16 by the commonwealth of Massachusetts examine the de-
17 fendant the commonwealth of Massachusetts shall be en-
18 titled to be reimbursed in the amount of twenty-five dol-
19 lars for each defendant and such amount shall be a charge
20 on the county in which the defendant is tried.