

SENATE No. 71

To accompany the petition of Michael J. Ward that the advisory board of pardons grant a hearing to any person who has served twenty years of a sentence to life imprisonment. Public Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act providing for a Hearing by the Advisory Board of Pardons upon the Request of Any Person who has served Twenty Years of a Sentence to Life Imprisonment.

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 one hundred and fifty-four of chapter
2 one hundred and twenty-seven of the General Laws
3 is hereby amended by inserting after the word
4 "governor", in the third line, the words:—and
5 shall, upon the request of any person who has served
6 twenty years of a sentence to life imprisonment in
7 the state prison, grant a hearing to such person
8 and consider carefully and thoroughly the merits
9 of a pardon for him,—and by striking out, in the
10 fourth line, the word "him" and inserting in place
11 thereof the words:—the governor,—so as to read

12 as follows: — *Section 154.* The board of parole,
13 acting as the advisory board of pardons, shall con-
14 sider carefully and thoroughly the merits of all
15 petitions for pardon or commutation of sentence
16 referred to it by the governor, and shall, upon the
17 request of any person who has served twenty years
18 of a sentence to life imprisonment in the state
19 prison, grant a hearing to such person and consider
20 carefully and thoroughly the merits of a pardon for
21 him, and it shall make to the governor, without
22 publicity, a written report containing its conclu-
23 sions and recommendations. No such report shall
24 be made without the concurrence of a majority of
25 its members. Before considering any petition for
26 pardon or commutation of sentence, if the con-
27 viction of the prisoner was had in the superior
28 court, the advisory board of pardons shall notify
29 the district attorney, who shall report the facts of
30 the case as they appeared at the trial, or, if the
31 conviction was upon a plea of guilty, the facts as
32 he understands them, the names of all witnesses
33 in the case, and his recommendation. If the peti-
34 tioner is serving a sentence in the state prison the
35 attorney general shall also be notified. If the con-
36 viction was in a district court the justice thereof
37 shall make to said board a similar report and recom-
38 mendation. The attorney general, district attorney
39 or justice, as the case may be, shall be notified of
40 the hearing upon the petition for pardon, and they
41 or their representatives may be present at the hear-
42 ing, examine the petitioner's witnesses, and be
43 heard. The said board shall not review the pro-
44 ceedings of the trial court, and shall not consider
45 any questions regarding the correctness, regularity

46 or legality of such proceedings, but shall confine
47 itself solely to matters which properly bear upon
48 the propriety of the extension of clemency to the
49 petitioner. Said board from time to time may
50 make rules relative to the calling of meetings and
51 to the proceedings thereat. The board or any mem-
52 ber of it may summon witnesses and administer
53 oaths or affirmations. The fees of witnesses before
54 the board shall be the same as for witnesses before
55 the superior court, and shall be paid from the ap-
56 propriation for the expenses of the board of parole.

