

Accompanying the seventeenth recommendation of the Department of Correction (House, No. 85). The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO CONCURRENT AND CONSECUTIVE CRIMINAL SENTENCES.

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 of the General Laws, as appearing in the 1988
2 Official Edition, is hereby amended by inserting after section 8B
3 the following section: —

4 Section 8C. (A) When a person, who is subject to any undis-
5 charged term of imprisonment imposed at a previous time by a
6 court of another jurisdiction, is sentenced to an additional term
7 or terms of imprisonment by a court of this state, the sentence
8 or sentences imposed by the court of this state shall run either
9 concurrently or consecutively with respect to such undischarged
10 term in such manner as the court directs at the time of sentence.
11 If the court of this state does not specify the manner in which a
12 sentence imposed by it is to run, the sentence or sentences shall
13 run consecutively.

14 (B) When a person who is subject to an undischarged term of
15 imprisonment, imposed at a previous time by a court of another
16 jurisdiction, is sentenced to an additional term or terms of
17 imprisonment by a court of this state to run concurrently with
18 such undischarged term, the return of the defendant to the custody
19 of the appropriate official of the other jurisdiction shall be deemed
20 a commitment for such portion of the term or terms of the sentence
21 imposed by the court of this state as shall not exceed the said
22 undischarged term. The defendant shall be committed to the
23 custody of the correctional facility specified by the sentencing

24 judge for such portion of the terms of the sentence imposed as
25 shall exceed such undischarged term of the other jurisdiction.

26 (C) Upon imposition of a sentence as proscribed in subsections
27 (A) and (B) of this section, the inmate shall be booked into the
28 facility specified in the mittimus and a copy of the mittimus shall
29 remain at such facility until the prisoner is returned from the other
30 jurisdiction or until he is discharged from the sentence of this state.

31 (D) Prisoners removed to such other jurisdiction shall be subject
32 to the terms of their original sentences to the state prison and to
33 the provisions of law governing discharge and parole from the
34 correctional institutions of the commonwealth.