

By Mr. Chiocca of Bridgewater, petition of Allan R. Chiocca relative to establishing minimum sentences for escape or attempted escape from prison. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT ESTABLISHING MINIMUM SENTENCES FOR ESCAPE OR ATTEMPTED ESCAPE.

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 two hundred and sixty-eight of the Gen-
2 eral Laws is hereby amended by striking out section sixteen and
3 inserting in place thereof the following section: —

4 *Section 16.* A prisoner who escapes or attempts to escape from
5 any correctional facility or penal institutions or from land appurte-
6 nant thereto, or from the custody of any officer thereof or while
7 being conveyed to or from any such institution may be pursued and
8 recaptured and shall be punished by imprisonment as follows:

9 (a) If such escape is from state prison, as defined in section one of
10 chapter one hundred and twenty-five, or from the custody of any
11 officer thereof or while being conveyed to or from any such institu-
12 tion, then by imprisonment in state prison for not less than three
13 nor more than ten years;

14 (b) If such escape is from any other correctional facility or penal
15 institution, or from the custody of any officer thereof or while
16 being conveyed to or from any such institution, then by imprison-
17 ment in state prisons for not less than one nor more than ten years
18 or by imprisonment in a jail or house of correction for not less than
19 two nor more than two and one-half years;

20 (c) If an attempt to escape, then by imprisonment in a jail or
21 house of correction for not less than six months nor more than two
22 and one-half years;

23 (d) None of the minimum sentences, established in sub-para-
24 graphs (a) or (b) shall be suspended nor made to run concurrent
25 with any other sentence, nor shall a person convicted under this
26 section and sentenced in accordance with sub-paragraphs (a) or
27 (b), be eligible for probation, parole, or furlough or receive any
28 deduction from his sentence for good conduct until he shall have
29 served one year of such minimum sentence; provided, however,
30 that the commissioner of correction may, on the recommendation
31 of the warden, superintendent, or other person in charge of a
32 correctional institution or the administrator of a county correc-
33 tional institution, grant to an offender committed under sub-para-
34 graphs (a) or (b), a temporary release in the custody of an officer of
35 such institution for the following purposes only: to attend the
36 funeral of a relative; to visit a critically ill relative; or to obtain
37 emergency medical or psychiatric services unavailable at said insti-
38 tution. Prosecutions commenced under this section shall neither be
39 continued without a finding nor placed on file.

1 SECTION 2. Chapter 127, section 49 of the General Laws, as
2 inserted by section 13 of Chapter 777 of the Acts of 1972, is hereby
3 amended by striking out the third paragraph and inserting in its
4 place thereof the following paragraph: —

5 If any inmate who participates in any program outside a correc-
6 tional facility established under the provisions of section forty-
7 eight leaves his place of employment, or having been ordered by the
8 Commissioner to return to the correctional facility, neglects or
9 refuses to do so, said inmate shall be held to have escaped from said
10 prison or institution and shall, upon conviction of such escape, be
11 sentenced to a state correctional facility for a term of not less than
12 three years and not more than five years. Such sentence shall begin
13 from and after all sentences currently outstanding and unserved at
14 the time of said escape. The sentence imposed upon such person
15 shall not be reduced to less than one year, not suspended, nor shall
16 any person receive any deduction from his sentence for good
17 conduct until he shall have served two years of such sentence.