

HOUSE No. 2106

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 13, 1946.

The committee on State Administration, to whom was referred so much of the report of the special commission established (under Chapter 21 of the Resolves of 1946) to make an investigation and study of the laws relating to pardons and paroles and to defective delinquents (Senate, No. 535) as relates to abolishing the existing parole board and creating a new parole board, report the accompanying bill (House, No. 2106).

For the committee,

LOUIS LOBEL.

[Senator NICHOLSON and Representatives HUTCHINSON of Lynn, FOSTER of Somerville, SEARS of Haverhill, ASHWORTH of Monterey and HILL of Methuen, dissenting].

The Commonwealth of Massachusetts

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

AN ACT ABOLISHING THE EXISTING PAROLE BOARD AND CREATING A NEW PAROLE BOARD AND DEFINING ITS POWERS AND DUTIES.

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 twenty-seven of the General
2 Laws is hereby amended by striking out section five,
3 as most recently amended by section one of chapter
4 three hundred and ninety-nine of the acts of nine-
5 teen hundred and thirty-seven, and inserting in place
6 thereof the following section:—

7 *Section 5.* There shall be in the department a
8 parole board, consisting of five members, one of
9 whom shall be a woman. Upon the expiration of the
10 term of office of a member, his or her successor shall
11 be appointed by the governor, with the advice and
12 consent of the council, for five years. The governor
13 shall designate one of the men members as chairman,
14 and said chairman shall receive a salary of seven
15 thousand dollars. The other members of the board
16 shall each receive a salary of six thousand dollars.
17 All members of the board shall devote their whole
18 time in office hours to the work of the board. Not
19 more than three members of the board shall be
20 members of the same political party. With the

21 approval of the commissioner, said board may expend
22 annually from the appropriation for contingent and
23 other expenses of the department a sum not exceeding
24 two hundred dollars for examination by physicians of
25 prisoners whose cases come before said board for
26 action.

1 SECTION 2. Chapter one hundred and twenty-
2 seven of the General Laws is hereby amended by
3 inserting after section one hundred and thirty-three,
4 as amended, the following section:—

5 *Section 133A.* The board, or a member designated
6 by the chairman for the purpose, shall interview
7 each prisoner within six months of his confinement,
8 and thereafter such prisoner shall be so interviewed
9 not less than twice prior to the expiration of his
10 minimum sentence. Such member of the board shall
11 confer with the warden or superintendent and chaplain
12 of the institution in which such prisoner is confined
13 and shall report his findings in writing to the board.

1 SECTION 3. The parole board existing on the effec-
2 tive date of this section is hereby abolished, and all
3 books and papers of said board shall upon said date be
4 turned over to the parole board created by this act.
5 All unexpended balances of moneys heretofore appro-
6 priated for said board shall be immediately available
7 for expenditure by said new parole board. The em-
8 ployees of said parole board are hereby transferred to
9 serve under the said new parole board without impair-
10 ment of their civil service status.

1 SECTION 4. The powers and duties of the parole
2 board abolished by this act shall hereafter be exercised

3 and performed by the parole board created by this act,
4 and when used in any statute, rule or regulation, the
5 phrase "board of parole" or any words connoting the
6 same shall mean the said parole board created by this
7 act, unless a contrary intent clearly appears.

1 SECTION 5. The governor, with the advice and con-
2 sent of the council, shall forthwith appoint four men
3 and one woman to serve as the parole board created
4 by this act for one, two, three, four and five years,
5 respectively, as the governor may designate. Upon
6 the expiration of their respective terms, their succes-
7 sors shall be appointed as provided in section one of
8 this act.

1 SECTION 6. Section five of this act shall take effect
2 as soon as said act has the force of law conformable to
3 the constitution and all other provisions thereof shall
4 take effect upon the appointment of the initial mem-
5 bers of said parole board as provided in said section
6 five and their qualification.