

# SENATE . . . . No. 172

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To accompany the petition of Herbert C. Parsons and another relative to the supervision of prisoners paroled from jails and houses of correction. Social Welfare.

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## The Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Twenty-Two.

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### AN ACT

Relative to the Supervision of Prisoners paroled from Jails and Houses of Correction.

*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. The county commissioners in each  
2 county, acting as a board as in other county  
3 matters, shall constitute a county board of parole,  
4 and, subject to the conditions hereinafter set  
5 forth, shall have the sole power of granting per-  
6 mits to be at liberty to any persons who are  
7 imprisoned in a jail or house of correction within  
8 the county upon sentence or for failure to pay a  
9 fine. In the county of Suffolk the penal institu-  
10 tions commissioner shall have all the powers and  
11 duties of such board of parole.

1 SECTION 2. The county commissioners, acting  
2 as a board of parole, may consider the desirability  
3 of the release of any person so imprisoned, and  
4 shall consider the case of any prisoner whose  
5 release may be recommended by a probation  
6 officer of the court which imposed the sentence.  
7 Before a determination by the commissioners as  
8 to granting release, there shall be an investigation  
9 of the case by a probation officer of the court  
10 which imposed the sentence. Such probation  
11 officer shall report to the commissioners the results  
12 of his investigation, and may make recommenda-  
13 tion in writing as to the desirability of release.  
14 No release shall be made unless the justice of the  
15 court which imposed the sentence, or, in the case  
16 of the superior court, the probation officer and  
17 the district attorney, certify approval thereof.

1 SECTION 3. Subject to the provisions of sec-  
2 tion two, if the commissioners shall determine  
3 upon the release of any prisoner, they shall issue  
4 to him a permit to be at liberty upon such terms  
5 or conditions, including and in addition to those  
6 hereinafter prescribed, as they may impose. The  
7 conditions shall include a requirement that the  
8 prisoner when released shall report forthwith to  
9 a probation officer of the court which imposed the  
10 sentence, and, while such permit remains in  
11 force, shall be subject to the care and supervision  
12 of such probation officer, and shall report to him  
13 at such periods as shall be required by the rules  
14 and regulations formulated by the county com-

15 missioners; that he shall not depart from the  
16 state without the permission of the probation  
17 officer in writing; that he shall commit no breach  
18 of the peace and shall be of good behavior; that  
19 he shall support those persons legally dependent  
20 upon him with, in such cases as the commis-  
21 sioners may deem necessary, the further require-  
22 ment that he shall make periodic payments  
23 through the probation officer for such support;  
24 and that, in such cases as the commissioners may  
25 deem necessary, he shall make restitution or  
26 reparation to the person or persons injured by  
27 the offence for which he was sentenced, to be  
28 paid in such manner, within the term of his  
29 sentence, to the probation officer as may, by  
30 the commissioners, be prescribed. All condi-  
31 tions of parole shall be made a part of any permit  
32 to be at liberty, and a copy in writing shall be  
33 given to the prisoner at the time of his release.

1 SECTION 4. The commissioners shall keep a  
2 public record of all cases and their action upon  
3 them, arising under this act, including revoca-  
4 tions of permits granted by them. Immediately  
5 upon granting a permit to be at liberty, they  
6 shall notify in writing a probation officer of the  
7 court which imposed the sentence of the issuance  
8 of such permit, and of any special conditions of  
9 parole.

1 SECTION 5. Every permit to be at liberty shall  
2 be in force until the maximum term of sentence  
3 has expired, unless sooner suspended or revoked.

4 The commissioners may at any time revoke a  
5 permit to be at liberty, and thereupon may issue  
6 an order for the arrest of the holder of the permit  
7 and his return to the jail or house of correction  
8 from which he was released, where he shall be  
9 held according to the terms of his original sen-  
10 tence. The time between the release on permit  
11 and the return of the holder to the jail or house of  
12 correction shall not be considered as a part of the  
13 term of sentence. Any probation officer of the  
14 court which imposed the sentence may suspend  
15 the operation of such permit, and thereupon may  
16 surrender and return the holder to the jail or  
17 house of correction. The probation officer at the  
18 time of surrender shall notify the commissioners,  
19 in writing, stating the reasons therefor. Such  
20 suspension shall become a revocation of the  
21 permit unless the commissioners shall renew the  
22 permit within seven days from the time the  
23 holder is returned to the jail or house of correc-  
24 tion. The order of the commissioners for the  
25 arrest and return of the holder of a permit may  
26 be executed by any officer authorized to serve  
27 criminal process, or by a probation officer, and  
28 if at the time when the order is issued the holder  
29 is confined in any prison under another sentence,  
30 the service of the order shall be made upon his  
31 discharge therefrom.

1 SECTION 6. For the purpose of determining  
2 the desirability of release, the commissioners, at  
3 any time during the confinement of a person in

4 a jail or house of correction upon sentence, may  
5 direct that he be examined by a competent  
6 physician or physicians as to his physical or  
7 mental condition, and, if they deem prudent,  
8 may cause him to be sent to a hospital for treat-  
9 ment, the reasonable cost thereof to be paid by  
10 the county; the period of the prisoner's treat-  
11 ment at such hospital shall be reckoned as a  
12 part of his term of sentence. The commis-  
13 sioners may require, as a condition of any permit  
14 to be at liberty, that the holder shall undergo  
15 such treatment as they may determine to be  
16 needful.

1 SECTION 7. The commission on probation shall  
2 have and exercise all the powers as to records and  
3 reports by probation officers of their performance  
4 of duty under this act which are vested in the  
5 commission by chapter four hundred and sixty-  
6 five of the acts of the year nineteen hundred and  
7 eight. Any penalties provided by statute for the  
8 failure of a probation officer to perform his  
9 duties shall apply to the duties placed upon him  
10 by this act. Any bond given by a probation  
11 officer to the treasurer of the county conditioned  
12 on his performance of his duties shall be deemed  
13 to apply to his performance of duties under this  
14 act.

1 SECTION 8. Sections one hundred and twenty-  
2 one, one hundred and twenty-three, one hundred  
3 and twenty-six, one hundred and twenty-seven,

4 one hundred and nineteen, one hundred and  
5 twenty, one hundred and twenty-eight and one  
6 hundred and twenty-nine of chapter two hundred  
7 and twenty-five of the Revised Laws and acts in  
8 amendment thereto and all other acts and parts  
9 of acts inconsistent with this act are hereby  
10 repealed.