

SENATE No. 224

To accompany the petition of Herbert C. Parsons relative to granting permits to be at liberty to prisoners in jails and houses of correction. Joint Judiciary.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

AN ACT

Relative to the Parole of Prisoners in County
Institutions.

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. If a person who is convicted of
2 an offence committed after the passage of this
3 act is sentenced to a jail or house of correction,
4 the court shall not fix the term of imprisonment,
5 but shall merely impose a sentence to the jail or
6 house of correction. Whoever is sentenced to a
7 jail or house of correction for an unfixed term, as
8 aforesaid, may be held therein for the maximum
9 term of imprisonment in a jail or house of correc-
10 tion fixed by law for the punishment of the
11 offence of which he has been convicted.

1 SECTION 2. The county commissioners in each
2 county, acting as a board as in other county mat-
3 ters, shall constitute a board of parole, hereinafter
4 called the board, and, subject to the conditions
5 hereinafter set forth, shall have the sole power
6 of granting permits to be at liberty to any per-
7 sons who are imprisoned in a jail or house of cor-
8 rection within the county upon sentence or for
9 failure to pay a fine. In Suffolk county cases
10 the words "the board" shall mean the penal in-
11 stitutions commissioner of the city of Boston.

1 SECTION 3. The board may consider the de-
2 sirability of the release of any person so im-
3 prisoned, and shall consider the case of any
4 prisoner whose release may be recommended by
5 a probation officer of the court which imposed
6 the sentence. Before a determination as to grant-
7 ing release, there shall be an investigation of the
8 case by a probation officer of the court which
9 imposed the sentence. Such probation officer
10 shall report to the board the results of his in-
11 vestigation, and may make recommendation in
12 writing as to the desirability of release.

1 SECTION 4. For the purpose of determining
2 the mental condition of a prisoner whose release
3 is under consideration, the board may, in its dis-
4 cretion, request the commission on mental dis-
5 eases to assign a member of the medical staff of a
6 state institution under its supervision to make
7 such examinations as may be deemed necessary.

8 No fee shall be paid for such examination, but
9 the examining physician may be reimbursed for
10 his reasonable travelling expenses.

1 SECTION 5. If the board shall be of opinion
2 that the prisoner is likely to lead an orderly life,
3 and will not become a charge upon public or
4 private charity (subject to the provisions of sec-
5 tion two), it may issue to him a permit to be at
6 liberty during the remainder of his sentence, and
7 shall place him under the care of a probation
8 officer or of a parole officer appointed by it,
9 which officer shall have the care of him while
10 such permit remains in force. Such officer, if
11 necessary, shall aid him in obtaining employ-
12 ment, shall exercise a friendly supervision of his
13 conduct, and by counsel and advice, and other-
14 wise, endeavor to promote his interests. The
15 compensation for services rendered under this act
16 shall be fixed by the board, and shall be paid by
17 the county.

18 A permit shall not be granted unless the justice
19 of the court which imposed the sentence, or in
20 case of the superior court, the probation officer
21 and the district attorney, certify approval thereof.
22 Every permit to be at liberty shall be subject to
23 the following conditions, and to such others as
24 the board shall deem it expedient to impose:
25 that the prisoner when released shall report
26 forthwith to the officer under whose care he is
27 placed, and at such periods as shall be required
28 by the rules and regulations formulated by the

29 board; that he shall not depart from the state
30 without the permission of said officer; that he
31 shall commit no breach of the peace and shall be
32 of good behavior; that he shall support those
33 persons legally dependent upon him, and make
34 periodic payments through said officer for such
35 support, and, if so required by the board, shall
36 make restitution or reparation to the person or
37 persons injured by the offence for which he was
38 sentenced, to be paid to such officer in such man-
39 ner, within the term of his sentence, as may by
40 the board be prescribed.

41 All conditions of parole shall be made a part
42 of any permit to be at liberty. A copy in writing
43 shall be given to the prisoner at the time of his
44 release and a copy shall also be sent to the officer
45 under whose care he is placed.

1 SECTION 6. The board may at any time re-
2 voke a permit to be at liberty, for any violation
3 of its terms or conditions, or of any law of the
4 commonwealth, and thereupon may issue an
5 order for the arrest of the holder of the permit
6 and his return to the jail or house of correction
7 from which he was released, where he shall be
8 held according to the terms of his original sen-
9 tence. Such order shall recite the reasons for
10 the revocation. The time between the release on
11 permit and the return of the holder to the jail
12 or house of correction shall not be considered as
13 a part of the term of sentence. An order issued
14 as herein may be executed by any officer author-

15 ized to serve criminal process, or by the officer
16 under whose care the prisoner was placed. If at
17 the time when the order is issued the holder is
18 confined in any prison under another sentence,
19 the service of the order shall be made upon his
20 discharge therefrom.

21 The officer under whose care the released
22 prisoner was placed may suspend the operation
23 of his permit to be at liberty and thereupon
24 may surrender and return the holder to the jail
25 or house of correction. Such officer, at the
26 time of surrender, shall notify the board in writ-
27 ing, stating the reasons therefor. Such suspen-
28 sion shall become a revocation of the permit unless
29 the board shall renew the same within seven days
30 from the time the holder is returned to the jail
31 or house of correction.

1 SECTION 7. The board shall keep on file all
2 reports and recommendations received by it, and
3 a public record of acts done under this act.

1 SECTION 8. 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 duties
9 shall apply to the duties placed upon him by this
10 act. Any bond given by a probation officer to

11 the treasurer of the county conditioned on his
12 performance of his duties shall be deemed to ap-
13 ply to his performance of duties under this act.

1 SECTION 9. 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 re-
10 pealed.

1 SECTION 10. This act shall take effect on the
2 first day of April in the year nineteen hundred
3 and nineteen.