

By Mrs. Gray of Framingham, petition of Barbara E. Gray and another that certain persons sentenced to imprisonment for a term of less than one year may serve such sentences on weekends and legal holidays. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR SPECIAL SENTENCE OF IMPRISONMENT IN THE CASE OF CERTAIN OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 When a person is sentenced on a first or second offense to
2 imprisonment for a term which does not exceed one year, the
3 court may order the sentence to be served in whole or in part on
4 weekends and legal holidays or such other periodic interval as the
5 court may order. Such a sentence shall be known as a special
6 sentence of imprisonment. If the offender receives a special
7 sentence of imprisonment under this section, he shall, unless
8 otherwise provided by the sentence of the court, report to the
9 institution to which he has been sentenced not later than six p.m.
10 on Friday and shall be released at seven a.m. on the succeeding
11 Monday; if the succeeding Monday is a holiday, the offender
12 shall not be released until Tuesday provided, however, that the
13 total time served is equal to the sentence imposed.

14 On application of the offender, of the Department of
15 Correction or the director of the institution to which the offender
16 is committed, or on its own motion, the court may, after a
17 hearing, rescind or modify an order under the first paragraph,
18 and may direct that the balance of the sentence of imprisonment
19 shall be served consecutively. Before a special sentence is
20 rescinded or modified the court shall cause the notification
21 thereof to be given to the District Attorney and to the offender.

22 If, while serving such a special sentence, said person is
23 convicted of a subsequent crime other than a non-moving motor
24 vehicle violation, the terms of said special sentence shall be
25 rescinded and said person shall complete the balance of his
26 original sentence consecutively in the jail or house of correction in
27 which he has been serving said special sentence.