

# HOUSE . . . . . No. 3514

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By Mr. Lombardi of Easton, petition of Leon J. Lombardi, other members of the General Court and another that provision be made for certain alternative sentences for certain offenders. The Judiciary.

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## The Commonwealth of Massachusetts

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

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### AN ACT PROVIDING FOR CERTAIN ALTERNATIVE SENTENCES FOR 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 SECTION 1. Section 58 of chapter 119 of the General Laws as  
2 most recently amended by Chapter 533 of the Acts of 1976 is  
3 hereby further amended by striking the third sentence in the first  
4 paragraph and inserting in place thereof the following: — Said  
5 probation may include a requirement, subject to agreement by the  
6 child and at least one of the child's parents or guardians that the  
7 child do work and/or make restitution to the victim, if any, or  
8 participate in activities of a type and for a period of time deemed  
9 appropriate by the court.

1 SECTION 2. Section 1 of chapter 279 of the General Laws, as  
2 most recently amended by chapter 347 of the acts of 1975, is hereby  
3 further amended by inserting after the first sentence the  
4 following: —

5 In addition, the court may order that restitution be made to the  
6 victim according to a schedule of payments established by the  
7 sentencing court if the defendant agrees to pay such restitution or,  
8 in the opinion of the court, if he is able to pay such restitution  
9 without imposing manifest hardship on the defendant or his im-  
10 mediate family and if the extent of the damage to the victim is

11 determinable with reasonable certainty, provided, however, that  
12 any such order for restitution shall be made in conjunction with  
13 probation and will be made a condition of the suspended sentence.

1 SECTION 3. Section 1A of chapter 279 of the General Laws, as  
2 most recently amended by sections one and two of chapter 459 of  
3 the acts of 1975, is hereby further amended by striking out the  
4 second sentence and inserting in place thereof the following: —

5 The court may direct, as part of such terms and conditions  
6 either:

7 a) that restitution be made to the victim according to a schedule  
8 of payments established by the sentencing court if the defendant  
9 agrees to pay such restitution or, in the opinion of the court, if he is  
10 able to pay such restitution without imposing manifest hardship on  
11 the defendant or his immediate family and if the extent of the  
12 damage to the victim is determinable with reasonable certainty;  
13 provided however, that any such order for restitution shall be made  
14 in conjunction with probation and will be made a condition of the  
15 suspended sentence; and/or (b) that payment of the fine may be  
16 made to the probation officer in one payment, or in part payments,  
17 during the period of probation or an extension thereof, and when  
18 such fine shall have been fully paid the order of commitment as to  
19 the fine shall be void, but the order of commitment as to imprison-  
20 ment shall not be affected by such payment.