

HOUSE No. 1066

Bill accompanying the recommendations of the Board of Prison Commissioners (House, No. 1064). Joint Judiciary. January 20.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to Sentences for Felony.

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 convict is sentenced to the state
2 prison, for a crime committed after the passage of this
3 act, except for life or as an habitual criminal, the court
4 shall not fix the term of imprisonment, but shall merely
5 impose a sentence to the state prison. Whoever is so
6 sentenced to the state prison may be held therein for
7 the longest term fixed by law for the punishment of the
8 offence of which he has been convicted.

9 If a convict is sentenced to the house of correction
10 for a felony, excepting for a term of two years or less,
11 the court shall not fix the term of imprisonment, but
12 shall merely impose a sentence to the house of correction.
13 Whoever is sentenced to the house of correction for an

14 unfixed term, as aforesaid, may be held therein for the
15 longest term of imprisonment in a house of correction
16 fixed by law for the punishment of the offence of which
17 he has been convicted.

18 If a convict is sentenced to the state prison or is sen-
19 tenced to a house of correction for an unfixed term, as
20 aforesaid, for two or more felonies, he may be held for
21 a term equal to the aggregate of the maximum terms
22 fixed by law for the punishment of said felonies, and
23 for the purposes of this act, he shall be held to be
24 serving one continuous term, equal to such aggregate.

25 A sentence imposed under this act shall be known as
26 an indeterminate sentence.

1 SECTION 2. If it appears to the board of parole for
2 the state prison and the Massachusetts reformatory that
3 a prisoner held in the state prison or in a house of cor-
4 rection upon an indeterminate sentence imposed under
5 this act has reformed and is likely to lead an orderly
6 and law-abiding life, and it has a reasonable assurance
7 that he will not become a charge upon public or private
8 charity, it may issue to him a permit to be at liberty
9 during the remainder of his sentence, upon such terms
10 and conditions as it shall prescribe.

11 If the holder of a permit issued under the provisions
12 of this act, violates any of its terms or conditions, or
13 violates any law of this commonwealth, before the ex-
14 piration of his sentence, such violation shall make void
15 such permit. The prison commissioners may revoke
16 any permit to be at liberty issued under the provisions of
17 the preceding section.

1 SECTION 3. When any such permit has become void or
2 has been revoked, they may issue an order authorizing

3 the arrest of the holder thereof by any agent appointed
4 by said commissioners, or by any officer qualified to
5 serve civil or criminal process in any county, and the
6 return of such holder to the prison from which he was
7 released.

8 A prisoner who has been so returned to his place of
9 confinement shall be held therein according to the terms
10 of his original sentence. In computing the period of
11 his confinement, the time between his release upon per-
12 mit and his return to prison shall not be considered as
13 any part of the term of his original sentence.

1 SECTION 4. This act shall take effect on the first
2 day of July of the present year.

