

By Mr. Mofenson of Newton, petition of David J. Mofenson and Joseph J. C. DiCarlo for legislation to establish standard eligibility of prisoners for parole. Social Welfare.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR STANDARD ELIGIBILITY OF PRISONERS FOR PAROLE CONSIDERATION.

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 133 of chapter 127 of the General
2 Laws, as most recently amended by chapter 464 of the acts of
3 1971, is hereby further amended by inserting the following
4 additional paragraphs: —

5 Notwithstanding clauses (a), (b) and (c) of this section, a
6 prisoner held under a sentence containing a minimum sentence
7 shall serve no more than ten years in a correctional institution of
8 the commonwealth before becoming eligible for parole considera-
9 tion. A prisoner held under two or more sentences to be served
10 otherwise than concurrently shall serve no more than a total of
11 ten years before becoming eligible for parole consideration;
12 provided that said consecutive minimum sentences arose from
13 the same criminal episode. If a minimum term of imprisonment is
14 to be imposed on a person already under sentence to a minimum
15 term, and the crime for which said minimum term is to be
16 imposed was committed before the earlier sentence was imposed,
17 any new minimum term to be imposed shall be deemed, for the
18 purposes of parole eligibility under this section, to run concur-
19 rently with such prior sentence, and the prisoner shall serve no
20 more than ten years before becoming eligible for parole
21 consideration.

22 Every prisoner who is serving a sentence or sentences for life in
23 a correctional institution of the commonwealth except prisoners

24 confined to the hospital at Massachusetts Correctional Institution
25 at Bridgewater, shall be eligible for parole consideration after
26 having served ten years. A prisoner held under two or more life
27 sentences to be served otherwise than concurrently shall be
28 eligible for parole consideration after having served a total of ten
29 years, provided that said consecutive life sentences arose from
30 the same criminal episode.

31 At least thirty days before holding the initial parole hearing
32 for a prisoner held under a life sentence, the parole board shall
33 notify in writing the attorney general, the district attorney in
34 whose district sentence was imposed, and the chief of police or
35 head of the organized police department of the municipality in
36 which the crime was committed, and said officials may appear in
37 person or make written recommendations to the board, but
38 failure of any or all of said officials to appear or make
39 recommendations shall not affect the paroling procedure. After
40 such hearing, the parole board may grant to such prisoner a
41 parole permit. If such permit is not granted, the parole board
42 shall annually review and consider carefully the merits of each
43 such case on the question of releasing such prisoner on parole.

1 SECTION 2. Section one hundred thirty-three A of chapter
2 one hundred twenty-seven of the General Laws is hereby
3 repealed.

1 SECTION 3. The provisions of section 133 of chapter 127 of
2 the General Laws, as amended by section one of this act, shall
3 apply in the case of any person sentenced prior to the effective
4 date of this act if application of the provisions thereof would
5 have the effect of making him eligible for parole consideration at
6 an earlier date.