

By Mr. Webber, a petition (accompanied by bill, Senate, No. 647) of Peter C. Webber, Anthony J. Ruberto, Jr., Daniel E. Bosley, Sherwood Guernsey and Christopher J. Hodgkins for legislation to require notification to victims and district attorneys of consideration for early parole. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT REQUIRING NOTIFICATION TO VICTIMS AND DISTRICT ATTORNEYS OF CONSIDERATION FOR EARLY PAROLE.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to make effective shortly the amend-
3 ments made hereby in the law relative to permits to be at liberty,
4 known as parole, therefore it is hereby declared to be an emergency
5 law necessary for the immediate preservation of the public
6 convenience.

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

1 Chapter 127 of the General Laws, as appearing in the 1984
2 Official Edition, is hereby amended by striking out section one
3 hundred thirty-three and inserting in place thereof the following
4 section: —

5 Section 133. Parole permits may be granted by the parole
6 board to prisoners subject to its jurisdiction at such time as the
7 board in each case may determine; provided, (a) that no prisoner,
8 convicted for a violation of section thirteen, thirteen B, fourteen,
9 fifteen, fifteen A, fifteen B, sixteen, seventeen, eighteen, eighteen
10 A, nineteen, twenty, twenty-one, twenty-two, twenty-two A,
11 twenty-three, twenty-four B, twenty-five, or twenty-six of chapter
12 two hundred and sixty-five, or section one, two, or ten of chapter
13 two hundred and sixty-six, or section seventeen, thirty-five or
14 thirty-five A of chapter two hundred and seventy-two, or for an

15 attempt to commit any crime referred to in said sections, and held
16 under a sentence containing a minimum sentence shall receive a
17 parole permit until he shall have served two-thirds of such min-
18 imum sentence, but in any event not less than two years or if he has
19 two or more sentences to be served otherwise than concurrently,
20 two-thirds of the aggregate of the minimum terms of such min-
21 imum sentences, but in any event not less than two years for each
22 such sentence; provided, further, that upon the written recom-
23 mendation of the superintendent or the director of the prison
24 camp, and the commissioner of correction, and, with the consent
25 and approval of a majority of the full parole board, such prisoner
26 shall become eligible for parole consideration.

27 Upon such eligibility for early parole consideration, thirty days'
28 notice of such eligibility shall be given to the district attorney in
29 whose district sentence was imposed, and the victims of the crime
30 for which sentence was imposed. After consideration of the
31 recommendation, if any, of the district attorney and the victims, a
32 majority of the full board may give consent and approval and the
33 prisoner may be given a parole permit before such time, but in any
34 event not sooner than such a parole permit may be granted to other
35 prisoners under clause (b) of this section; (b) that no other prisoner
36 held under a sentence containing a minimum sentence shall receive
37 a parole permit until he shall have served one-third of such min-
38 imum sentence, but in any event not less than one year, or, if he has
39 two or more sentences to be served otherwise than concurrently,
40 one-third of the aggregate of the minimum terms of such several
41 sentences, but in any event not less than one year for each such
42 sentence; (c) that no prisoner held under a sentence containing a
43 minimum sentence for a crime committed while on parole shall
44 receive a parole permit until he shall have served two-thirds of such
45 minimum sentence, or, if he has two or more sentences to be served
46 otherwise than concurrently for offenses committed while on
47 parole, two-thirds of the aggregate of the minimum terms of such
48 several sentences, but in any event not less than two years for each
49 such sentence. Notwithstanding clauses (a), (b) and (c), deductions
50 shall be allowed for blood donations as provided in section one
51 hundred twenty-nine A, and deductions shall be allowed for time
52 confined in a prison camp as provided in section one hundred and

53 twenty-nine C, said deductions to reduce the term of imprison-
54 ment by computing said additional deductions and subtracting the
55 same from the minimum term of sentence for release on parole as
56 authorized by this section, or for reducing the term of imprison-
57 ment by deduction from the maximum term for which he may be
58 held under this sentence or sentences.

59 Notwithstanding the power of the parole board to grant parole
60 permits at such time as it may determine, no permit shall be
61 granted earlier than:

62 a.) In the case of sentence containing a minimum sentence, until
63 one-third of such minimum sentence shall be served;

64 b.) In the case of a sentence to a house of correction, until one
65 half the sentence shall be served;

66 c.) In the case of a sentence to MCI Concord or Framingham
67 until the time set forth in the guidelines of the parole board for
68 routine eligibility shall have been served, unless before such grant
69 of an earlier permit, thirty days' notice of the consideration of an
70 early parole for the prisoner serving such sentence is given to the
71 district attorney in whose district the sentence was imposed, and
72 the recommendation of the district attorney, if any, is received and
73 considered.

74 In so far as the provisions of this act are the same as the
75 provisions of the law in effect immediately prior to the effective
76 date of this act they shall be construed as continuations thereof
77 and not as new enactments.

The first part of the report deals with the general situation of the country and the progress of the various branches of industry and commerce. It is found that the country has made considerable progress in all these respects since the last report. The population has increased, and the various branches of industry and commerce have all shown a marked increase in activity. The progress has been the result of the various measures which have been adopted by the Government, and of the general improvement in the state of the country.

The second part of the report deals with the details of the various branches of industry and commerce. It is found that the progress has been the result of the various measures which have been adopted by the Government, and of the general improvement in the state of the country.

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