

By Mr. Pina of New Bedford, petition of Ronald A. Pina and James J. Carrigan for legislation to grant the right to legal counsel at parole revocation hearings as provided in the model penal code of the American Law Institute. Social Welfare.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THE RIGHT TO LEGAL COUNSEL AT PAROLE REVOCATION HEARINGS IN LINE WITH THE MODEL PENAL CODE OF THE AMERICAN LAW INSTITUTE.

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 is hereby amended by
- 2 adding at the end of section 148, as most recently amended by
- 3 chapter 199 of the acts of 1919, the following paragraphs: —
- 4 Any person who holds a permit to be at liberty whose
- 5 permit or parole is revoked under this section or any other
- 6 section of the General Laws must be afforded a hearing before
- 7 the parole board within forty-five days; and if such revocation
- 8 is sustained by the Board, there shall be a right of appeal to
- 9 the superior court.
- 10 Upon reincarceration for violation of parole, the parolee
- 11 shall personally receive written notice of the parole revocation
- 12 hearing before which he will appear, at least fifteen days before
- 13 said hearing date, and notice of the charges filed.
- 14 The institutional parole staff shall render reasonable aid to
- 15 the parolee in preparation for the hearing and said parolee shall
- 16 have right to representation by legal counsel. Upon an affidavit
- 17 of his indigence the parolee shall have assigned to him as legal
- 18 counsel a member of the office of public defender.
- 19 Notwithstanding any provision of law, or parole board or
- 20 department of corrections policy to the contrary, all legal
- 21 counsel shall be allowed to advise, represent, and accompany

22 their clients at the revocation hearing of the board of parole.

23 At the hearing the parolee may admit, deny, or explain the
24 violation charged, and he may present proof, including affi-
25 davits and other evidence, in support of his contention. A
26 verbatim record of the hearing shall be made and preserved.