

# HOUSE . . . . . No. 6216

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, June 19, 1972.

The committee on the Judiciary, to whom was recommitted so much of the recommendations of the Commissioner of Probation (House, No. 123) as relates to authorizing the court to place certain persons in care of probation officers (accompanied by bill, House, Ho. 127), report recommending that the accompanying bill (House, No. 6216) ought to pass.

For the committee,

CORNELIUS F. KIERNAN

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE COURT TO PLACE CERTAIN PERSONS  
IN CARE OF PROBATION OFFICERS.

*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 276 of the General Laws is hereby amended by  
2 striking out section 87, as amended by chapter 98 of the acts of  
3 1970, and inserting in place thereof the following section: -

4 *Section 87.* The superior court may place on probation  
5 under any of its probation officers any person before it charged  
6 with crime and any court may place any person having been  
7 found guilty before it in the care of its probation officer for such  
8 time and upon such conditions as it deems proper, and if, after  
9 completion of such time and conditions as it deems proper, and  
10 if, after completion of such time and conditions the case is  
11 subsequently dismissed, said person shall be held not to have  
12 been convicted of the offense charged; provided, that in the case  
13 of any child under the age of seventeen placed upon probation  
14 by the superior court, he may be placed in the care of a  
15 probation officer of the district court, including in such term the  
16 Boston juvenile court, within the judicial district of which such  
17 child resides; and provided, further, that no person convicted  
18 under section 22A or 24A of chapter two hundred and sixty-five,  
19 or section 35A of chapter two hundred and seventy-two shall, if  
20 it appears that he has previously been convicted under said  
21 sections and was over twenty-one years of age at the time of  
22 committing the offense for which he was so convicted, be  
23 released on parole or probation prior to the completion of five  
24 years of his sentence.