

**SENATE . . . . . No. 747**

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By Mr. Keating, petition (accompanied by bill, Senate, No. 747) of William R. Keating for legislation relative to the adjudication of juveniles charged with murder. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Three.

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AN ACT FURTHER GOVERNING THE ADJUDICATION OF JUVENILES CHARGED WITH MURDER.

*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 58 of chapter 119 of the General Laws,  
2 as appearing in the 1990 Official Edition, is hereby amended by  
3 striking the first sentence of the second paragraph and inserting  
4 in place thereof the following sentence: —

5 If a child is adjudicated a delinquent child, the court may place  
6 the case on file, or may place the child in the care of a probation  
7 officer for such time and on such conditions as may seem proper,  
8 or may commit him to the custody of the department of youth  
9 services but the probationary or commitment period shall not be  
10 for a period longer than until such child becomes eighteen or age  
11 nineteen in the case of a child whose case is disposed of after he  
12 has attained his eighteenth birthday, except that a child  
13 adjudicated a delinquent child by reason of having violated section  
14 one of chapter two hundred and sixty-five shall be committed in  
15 accordance with the provisions of section seventy-two of this  
16 chapter.

1 SECTION 2. Section 60 of said chapter 119, as most recently  
2 amended by section 1 of chapter 488 of the acts of 1991, is hereby  
3 further amended by striking out the words "in determining bail  
4 and in imposing sentence in any criminal proceeding".

1 SECTION 3. Section 61 of said chapter 119, as most recently  
2 amended by section 3 of chapter 488 of the acts of 1991, is hereby  
3 further amended by striking out in the first sentence of the fifth  
4 paragraph the words "filing an indictment in such court" and  
5 inserting in place thereof the words "indictment as provided by  
6 chapter two hundred and seventy-seven".

1 SECTION 4. Section 72 of said chapter 119, as most recently  
2 amended by section 7 of chapter 488 of the acts of 1991, is hereby  
3 further amended by inserting in the first line of the third paragraph  
4 after the word "child" the words "who has passed his fourteenth  
5 birthday".

1 SECTION 5. Said section 72 of chapter 119 is hereby further  
2 amended by inserting after the final paragraph the following new  
3 paragraph: —

4 The court may not suspend a commitment of a child adjudicated  
5 to be a delinquent child by reason of having violated section one  
6 of chapter two hundred and sixty-five; nor shall the provisions  
7 of sections 129, 129C or 129D of chapter 127 apply to such  
8 commitment.

1 SECTION 6. Said chapter 119 is hereby further amended by  
2 striking out section 83, as appearing in the 1990 Official Edition,  
3 and inserting in place thereof the following section: —

4 Section 83. The indictment of any person bound over under  
5 section sixty-one shall be tried before the superior court in the  
6 same manner as any criminal proceeding, and upon conviction  
7 such person may be sentenced to such punishment as is provided  
8 by law for the offense, or placed on probation, with or without  
9 a suspended sentence for such period of time and under such  
10 conditions as the court may order. But, if such person has not  
11 attained his eighteenth birthday prior to a finding or plea of guilty  
12 for an offense, other than a violation of section one of chapter  
13 two hundred and sixty-five, the superior court may, in its  
14 discretion, and in lieu of a judgment of conviction and sentence,  
15 adjudicate such person as a delinquent child, and make such  
16 disposition as may be made by a district court or a juvenile court  
17 under section fifty-eight.

1 SECTION 7. Section 4 of chapter 263 of the General Laws,  
2 as most recently amended by section 10 of chapter 488 of the acts  
3 of 1991, is hereby further amended by inserting at the end of the  
4 final paragraph the following sentence: "The clerk of the superior  
5 court in which the indictment of such juvenile is returned shall  
6 promptly remit the indictment to the clerk of the juvenile court  
7 or the juvenile session of the district court, as the case may be,  
8 in which the indictment is to be tried."

