HOUSE . . . . . No. 421

By Mr. Early of Lowell, petition of Edward J. Early, Jr., for legislation to limit the prison furlough program and providing notification to certain law enforcement officers before furloughs are granted. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RESTRICTING THE PRISON FURLOUGH PROGRAM AND PROVIDING NOTIFICATION TO CERTAIN LAW ENFORCEMENT OFFICERS PRIOR TO GRANTING CERTAIN FURLOUGHS.

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 90 A of chapter 127 of the General
2 Laws, as appearing in section 18 of chapter 777 of the acts of
3 1972, is hereby amended by striking out the first paragraph and
4 inserting in place thereof the following paragraph: — The
5 commissioner may extend the limits of the place of confinement
6 of a committed offender at any state correctional facility by
7 authorizing such committed offender under prescribed con-
8 ditions to be away from such correctional facility but within the
9 commonwealth for a specified period of time, not to exceed
10 fourteen days during any twelve month period nor more than
11 seven days at any one time; provided that no committed
12 offender who is serving a life sentence or a sentence in a state
13 correctional facility for violation of section thirteen, thirteen B,
14 fourteen, fifteen, fifteen A, fifteen B, sixteen, seventeen,
15 eighteen, eighteen A, twenty-two, twenty-two A, twenty-three,
16 twenty-four, twenty-four B, twenty-five, or twenty-six of chapter
17 two hundred and sixty-five, or section seventeen, thirty-four,
18 thirty-five, or thirty-five A, of chapter two hundred and seventy-
19 two, or for an attempt to commit any crime referred to in said
20 sections shall be eligible for temporary release under the
21 provisions of this section except when such committed offender

22 has twenty-four months or less remaining to serve until he is
23 eligible for parole and a recommendation is made in his behalf
24 by the superintendent and approved by the commissioner. The
25 administrator of a county correctional facility may grant like
26 authorization to a committed offender in such facility. No
27 committed offender who is serving a life sentence without
28 eligibility for parole for violation of section one of chapter two
29 hundred and sixty-five shall be eligible for a furlough. Such
30 authorization may be granted for any of the following purposes:
31 (a) to attend the funeral of a relative; (b) to visit a critically ill
32 relative; (c) to obtain medical, psychiatric, psychological or
33 other social services when adequate services are not available at
34 the facility and cannot be obtained by temporary placement in a
35 hospital under sections one hundred and seventeen, one hundred
36 and seventeen A, and one hundred and eighteen; (d) to contact
37 prospective employers; (e) to secure a suitable residence for use
38 upon release on parole or discharge; (f) for any other reason
39 consistent with the reintegration of a committed offender into
40 the community; provided, however, that no such authorization
41 shall be granted under the provisions of clause (d), (e) or (f)
42 unless the person granting the authorization shall send by
43 registered or certified mail copies of said authorization to the
44 chief justice of the superior court or the committing justice, the
45 criminal division of the attorney general's office, the secretary of
46 public safety, the superintendent of the police division of the
47 metropolitan district commission, the district attorney of the
48 county where the prisoner is incarcerated, the parole board and
49 the chief of police of the city or town in which the furloughed
50 prisoner shall reside and of the city or town in which the
51 furloughed prisoner's offense occurred. Said copies shall be sent
52 at least ten days prior to the furlough. If any such person to
53 whom the notice is sent objects to the furlough of any prisoner,
54 he shall so specify in writing to the person granting the
55 authorization and request an immediate hearing on the merits. If
56 no objection is raised prior to five days before the first day of
57 the furlough, the authorization shall take effect on said day. If
58 the commissioner of correction or the administrator of a county
59 facility receives an objection from any person required to be
60 notified under the provisions of this section, the offender shall
61 not be released until after a hearing at which the party objecting

62 to such furlough shall state the reasons why a furlough should
63 not be granted. If after the hearing said objection is not
64 removed, no furlough shall be granted. For the purposes of this
65 section the word "relative" shall mean the committed offender's
66 father, mother, child, brother, sister, husband or wife and, if his
67 grandparent, uncle, aunt or foster parent acted as his parent in
68 rearing such committed offender, it shall also mean such
69 grandparent, uncle, aunt or foster parent.

1 SECTION 2. Any inmate found guilty by a disciplinary
2 board for infractions of rules and regulations shall not be
3 eligible for a furlough for six months on three or more minor
4 infactions and one year on a major infraction.

1 SECTION 3. Any inmate who refused to accept work
2 assignment from the superintendent shall not be eligible for
3 furloughs for a period of six months after such refusal.

1 SECTION 4. Any inmate who assaults a corrections officer
2 shall not be eligible for furlough for a period of one year if
3 found guilty of the assault.