

HOUSE No. 1052

Bill accompanying the petition of Andrew J. Peters, mayor of the city of Boston, relative to the release of prisoners upon probation. Joint Judiciary. January 16.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

AN ACT

Relative to the Release of Prisoners upon Probation.

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 one hundred and twenty-one of
2 chapter two hundred and twenty-five of the Revised
3 Laws as amended by chapter two hundred and twenty-
4 seven of the acts of nineteen hundred and two, and by
5 chapter one hundred and fifty-eight of the acts of nine-
6 teen hundred and twelve, is hereby further amended by
7 striking out in the sixth, seventh and eighth lines the
8 following "upon a sentence of not more than six months,
9 or upon a longer sentence of which not more than six
10 months remain unexpired, or for failure to pay a fine",—
11 by inserting after the word "probation", in the six-
12 teenth line, the words:— for a period of two years,—
13 by inserting after the word "time", in the twenty-first

14 line, the words:— during said two years,— and by in-
15 serting after the word “released”, in the twenty-third
16 line, the words:— to serve the remainder of the term of
17 his original sentence,— so as to read as follows:— *Sec-*
18 *tion 121.* A probation officer may, with the consent of
19 the county commissioners, or, in the county of Suffolk,
20 of the penal institutions commissioner of the city of Bos-
21 ton, investigate the case of any person who is imprisoned
22 in a jail or house of correction for the purpose of ascer-
23 taining the probability of his reform if released from im-
24 prisonment. If, after such investigation, he recommends
25 the release of the prisoner, and the court which imposed
26 the sentence, or, if the sentence was imposed by the
27 superior court, the district attorney, certifies a concur-
28 rence in such recommendation, the county commissioners
29 or the penal institutions commissioner may, if they con-
30 sider it expedient, release him upon probation for a
31 period of two years, upon such terms and conditions as
32 they may prescribe and may require a bond for the ful-
33 filment of such conditions. The surety upon such bond
34 may at any time take and surrender his principal, and
35 the county commissioner or the penal institutions com-
36 missioner may at any time during said two years order
37 any person released by them upon probation to return
38 to the prison from which he was released to serve the
39 remainder of the term of his original sentence. The pro-
40 visions of this act shall not apply to persons held upon
41 sentence of the courts of the United States.

1 SECTION 2. This act shall take effect upon its passage.