

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to the Governor's power of commutation of life sentences for first degree murder. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE GOVERNORS' POWER OF COMMUTATION.

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 152 of Chapter 127 of the General Laws, as appearing
2 in the 1992 Official Edition, is hereby amended by adding the
3 following: —

4 Notwithstanding the above, with regard to persons serving life
5 sentences for first degree murder if the Governor recommends a
6 commutation of sentence, a commutation trial shall be held to
7 review the correctness of the original sentence. Said trial shall be
8 held before a Superior Court judge and jury. The jury will review
9 the evidence and testimony of the original trial, and hear evidence
10 on the subsequent behavior of and condition of the person seeking
11 commutation.

12 A. If the jury determines that the original sentence was correct,
13 the commutation is denied.

14 B. If the jury finds the original sentence was not correct and the
15 subsequent behavior of the defendant warrants, a commutation
16 may be granted.

17 The Governor shall grant a commutation only upon the favor-
18 able recommendation of the judge and jury of the commutation
19 trial.

