

By Mrs. Cuomo of North Andover, petition of Donna F. Cuomo for legislation to further regulate life sentences of first and second degree murder. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE LIFE SENTENCES OF FIRST AND SECOND DEGREE 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 49A of Chapter 127 of the General
2 Laws, as appearing in the 1992 Official Edition of the General
3 Laws, is hereby amended by inserting after the word "parole" in
4 line twenty-four, the following: — provided, however, that no
5 person serving a life sentence for murder in the first degree shall
6 be permitted to participate in any program outside a maximum
7 security correctional facility.

1 SECTION 2. Said Chapter, as so appearing, is further
2 amended in Section 90A by inserting after the word "commis-
3 sioner" in line fourteen, the following: — provided, however, that
4 no prisoner serving a life sentence for murder in the first degree
5 shall be eligible for temporary release under the provisions of this
6 section unless it is to obtain extraordinary medical care that is
7 unavailable at the facility and cannot be obtained by temporary
8 placement in a hospital under sections one hundred and seventeen,
9 one hundred and seventeen A, and one hundred and eighteen.

1 SECTION 3. Said Chapter, as so appearing, is further
2 amended in Section 133A by striking the word "fifteen" in line
3 six and inserting in place thereof the word "twenty-five."

1 SECTION 4. Said Chapter, as so appearing, is further
2 amended in Section 152 by inserting after the first paragraph the
3 following new paragraph: —

4 In a case in which the Governor is authorized by the
5 Constitution to commute a sentence, he may, with the advice and
6 consent of the Council, and upon the written petition of the
7 petitioner, grant it, subject to such conditions, restrictions, and
8 limitations as he considers proper, provided, however, that the
9 Governor and Council shall not commute the sentence of a
10 prisoner serving a life sentence for murder in the first degree until
11 said prisoner has completed serving a minimum of forty years of
12 said sentence; and provided further that the Governor and Council
13 shall not commute the sentence of a prisoner serving a life sentence
14 for murder in the second degree until said prisoner has completed
15 serving a minimum of twenty-five years of said sentence. The
16 Governor may issue his warrant to all proper offices to carry out
17 such commutation into effect. Such warrant shall be obeyed and
18 executed instead of the sentence originally awarded.

1 SECTION 5. Section 2 of Chapter 265 of the General Laws,
2 as appearing in the 1992 Official Edition, is hereby amended by
3 striking the sentence contained in lines six and seven and inserting
4 in place thereof the following: — Any other person who is guilty
5 of murder in the first degree shall be punished by imprisonment
6 in a maximum security state prison for life.

1 SECTION 6. Section 1 of Chapter 265 of the General Laws,
2 as appearing in the 1992 Official Edition, is hereby amended by
3 adding the following paragraph: —

4 No person serving a sentence for murder in the second degree
5 shall be eligible for furlough, temporary release or education,
6 training or employment programs established outside a
7 correctional facility until said prisoner has completed serving a
8 minimum of thirteen years.

1 SECTION 7. Section 1 of Chapter 265 of the General Laws,
2 as appearing in the 1992 Official Edition, is hereby amended by
3 adding the following paragraph: —

4 No person serving a sentence for murder in the second degree
5 shall be eligible for furlough, temporary release or education,
6 training or employment programs established outside a
7 correctional facility until said prisoner has completed serving a
8 minimum of twenty-two years.

1 SECTION 8. The provisions of sections one, two, and six of
2 this act shall take effect upon its passage.

1 SECTION 9. The provisions of sections three, four, five, and
2 seven of this Act shall apply to all persons sentenced to life
3 imprisonment for murder in the first or second degree who
4 committed the offense so punished, on January first, nineteen
5 hundred and ninety-one and thereafter.

