

By Ms. St. Fleur of Boston, petition of Marie P. St. Fleur and Elizabeth A. Malia for legislation to provide post-release supervision for certain incarcerated persons serving determinate sentences. The Judiciary.

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The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.  
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AN ACT RELATIVE TO POST RELEASE SUPERVISION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 279 of the General Laws, as so appearing, is hereby  
2 amended by striking section 24 and inserting in place thereof the  
3 following section:—

4 Section 24.

5 (a) Notwithstanding any other provision of law, all persons sen-  
6 tenced to the state prison, except those sentenced to life or as a  
7 habitual offender pursuant to section 25 of this chapter, shall be  
8 sentenced to a determinate sentence of a fixed number of years of  
9 imprisonment. Each determinate sentence shall also include, as a  
10 part thereof, an additional period of post-release supervision of  
11 not less than two years nor more than ten years to be served  
12 immediately following the determinate term of imprisonment  
13 imposed. The combined total of years of determinate imprison-  
14 ment and post-release supervision may not exceed the maximum  
15 term fixed by law for the punishment of the crime of which the  
16 person had been convicted; provided, however, that if an offender  
17 is sentenced to the maximum term fixed by law for the punish-  
18 ment of the crime of which the person had been convicted, a  
19 period of two years post-release supervision shall be imposed in  
20 addition to the term of imprisonment, notwithstanding that the  
21 combined total number of years of the determinate imprisonment  
22 and the post-release supervision exceeds said maximum term  
23 fixed by law. During the period of post-release supervision, the

24 offender shall be under the jurisdiction of and supervised by the  
25 parole board pursuant to the provisions of section 128 through 151  
26 of chapter 127.

27 Where a person is sentenced to the maximum term fixed by law  
28 for the punishment of the crime of which the person had been con-  
29 victed, to be followed by two years of mandatory post-release  
30 supervision, the total number of years of imprisonment that the  
31 offender may serve if his post-release supervision is revoked may  
32 exceed the maximum term fixed by law for the punishment of the  
33 crime of which the person had been convicted.

34 (b) Notwithstanding any other provision of law, all persons sen-  
35 tenced to a house of correction or jail, except those convicted as a  
36 habitual offender pursuant to section 25 of this chapter, shall be  
37 sentenced to a determinate sentence of a fixed number of years of  
38 imprisonment. Each determinate sentence shall also include, as a  
39 part thereof, an additional period of post-release supervision of  
40 not less than six months nor more than two years to be served  
41 immediately following the determinate term of imprisonment  
42 imposed. The combined total of years of determinate imprison-  
43 ment and post-release supervision may not exceed the maximum  
44 term fixed by law for the punishment of the crime of which the  
45 person had been convicted; provided, however, that if an offender  
46 is sentenced to the maximum term fixed by law for the punish-  
47 ment of the crime of which the person had been convicted, a  
48 period of six months post-release supervision shall be imposed in  
49 addition to the term of imprisonment, notwithstanding that the  
50 combined total of years of the determinate imprisonment and the  
51 post-release supervision exceeds said maximum term fixed by  
52 law. During the period of post-release supervision, the offender  
53 shall be under the jurisdiction of and supervised by the parole  
54 board pursuant to the provisions of chapter 127, §128-151.

55 Where a person is sentenced to the maximum term fixed by law  
56 for the punishment of the crime of which the person had been con-  
57 victed, to be followed by six months of mandatory post-release  
58 supervision, the total number of years of imprisonment that the  
59 offender may serve if his post-release supervision is revoked may  
60 exceed the maximum term fixed by law for the punishment of the  
61 crime of which the person had been convicted.