

By Mr. Bertonazzi of Milford, petition of Louis P. Bertonazzi for legislation to provide for work release programs in certain correctional institutions under the supervision of the Department of Correction for certain persons convicted of non-violent offenses. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING A WORK RELEASE TERM IN A HOUSE OF CORRECTION, PRISON, OR OTHER INSTITUTION ADMINISTERED UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTION FOR CERTAIN PERSONS CONVICTED OF NON-VIOLENT OFFENSES AND NOT PREVIOUSLY SENTENCED TO A TERM OF IMPRISONMENT IN A HOUSE OF CORRECTION OR A PRISON IN THE COMMONWEALTH OR ELSEWHERE.

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 is hereby amended by
2 inserting after section 31 the following section:—
3 *Section 31A.* In sentencing a person who is found guilty of any
4 offense except those listed in sections 13, 13B, 14, 15, 15A, 15B,
5 16, 17, 18, 18A, 19, 20, 21, 22, 22A 23, 24, 24B, 25, or 26 of
6 chapter 265 of 17, 35, 35A of chapter 272, or for an attempt to
7 commit any of the crimes listed in said sections and who has not
8 previously been committed to a house of correction,
9 Massachusetts correctional institution, or to any other Federal or
10 state adult correctional institution, the sentencing judge, if he
11 imposes a sentence with a minimum of not more than five years,
12 may, with the consent of the individual being sentenced, stipulate
13 that the sentence include a provisional work release component.
14 Said provisional work release component shall remain in effect
15 until such time as the prisoner is either discharged from his
16 sentence or receives a hearing from the Parole Board or other
17 appropriate paroling authority. Upon being granted a hearing by
18 the Parole Board or other appropriate paroling authority, the

19 prisoner's right to work release shall be voided and the prisoner
20 shall either receive a permit to be at liberty or shall remain in the
21 custody of the Department of Correction or county correctional
22 authorities, who may, at their discretion remove said prisoner
23 from the work release program.

24 A prisoner whose sentence contains a provisional work release
25 component shall be eligible for parole consideration at any time
26 upon the recommendation of the superintendent and with the
27 approval of the commissioner of correction or the appropriate
28 county correctional authority.

29 Once a sentence with a provisional work release component is
30 entered by the Court, the Department of Correction or county
31 correctional authorities shall have no discretion or refuse to
32 permit the person to participate in the work release program at
33 least five days of every week during which his work release term is
34 served; provided that the Department of Correction or county
35 correctional authority may temporarily suspend the person from
36 work release program after recommending said person for a
37 hearing before the Parole Board or appropriate paroling
38 authority and pending the date of said hearing as set by the
39 paroling authority.

40 All prisoners whose sentence contains a provisional work
41 release term and who are participating in a work release program
42 shall abide by those conditions provided for in chapter 127,
43 section 86, subsections D, E, F, and G in regards to rules and
44 regulations for employment, housing, deductions from wages,
45 and provisions governing penalties for leaving the assigned place
46 of employment.