

By Mrs. Gray of Framingham, petition of Barbara E. Gray for legislation to regulate the imposition of prison sentences by the courts. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT REQUIRING SHORTER, Surer SENTENCING.

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 24 of Chapter 279 of the General Laws is hereby
2 repealed and the following new section is inserted in place
3 thereof:—

4 *Section 24. Determinate Sentence to State Prison.*

5 1. In the case of a person convicted of a crime other than
6 criminal homicide in the first or 2nd degree, the court shall
7 sentence to imprisonment for a definite term as provided for in
8 the appropriate section and chapter relating to said offense and
9 punishment, unless the statute which the person is convicted of
10 violating expressly provides that the fine and imprisonment
11 penalties it authorizes may not be suspended, in which case the
12 convicted person shall be sentenced to a definite term and
13 required to pay the fine authorized. The sentence of the court
14 shall specify the place of imprisonment.

15 2. In the case of a person convicted of a crime other than
16 criminal homicide in the first or 2nd degree, and which is the
17 person's first conviction for a criminal offense, the court shall
18 sentence to imprisonment for a definite term as provided for in
19 subsection 3 of this section. The sentence of the court shall specify
20 the place of imprisonment.

21 3. The court shall set the term of imprisonment for conviction
22 of first offenses as follows:—

23 A. In the case of Crimes against Governments as stated in
24 Chapter 264 of the G.L., the court shall set a definite period not
25 to exceed 5 years;

26 B. In the case of Crimes against Persons as stated in Chapter
27 265 of the G.L.s, the court shall set a definite period not to exceed
28 15 years;

29 C. In the case of Crimes against Property as stated in Chapter
30 266 of the G.L.s, the court shall set a definite period not to exceed
31 5 years;

32 D. In the case of Crimes of Forgery and against Currency as
33 stated in Chapter 267 of the G.L.s, the court shall set a definite
34 period not to exceed 3 years;

35 E. In the case of Crimes against Public Justice as stated in
36 Chapter 268 of the G.L.s, the court shall set a definite period not
37 to exceed 5 years;

38 F. In the case of Crimes of Conduct of Public Officials and
39 Employees as stated in Chapter 268A of the G.L.s, the court shall
40 set a definite period not to exceed 5 years;

41 G. In the case of Crimes against Public Peace as stated in
42 Chapter 269, of Crimes against Public Health as stated in
43 Chapter 270, of Crimes against Public Policy as stated in Chapter
44 271 of the G.L.s, the court shall set a definite period not to exceed
45 1 year;

46 H. And in cases of Crimes against Chastity, Morality, Decency
47 and Good Order as stated in Chapter 272 of the G.L.s, the court
48 shall set a definite period not to exceed 3 years.

49 4. The court may, if it deems it appropriate, further order a
50 person sentenced under subsection 2 & 3 of this section to make
51 restitution to the aggrieved party or victim.