

**HOUSE . . . . . No. 1794**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Liz Miranda*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prevent the imposition of mandatory minimum sentences based on juvenile adjudications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/16/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/16/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/23/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/7/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/8/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/8/2021</i>

*Mary S. Keefe*

*15th Worcester*

*3/8/2021*

*Elizabeth A. Malia*

*11th Suffolk*

*3/15/2021*

**HOUSE . . . . . No. 1794**

By Ms. Miranda of Boston, a petition (accompanied by bill, House, No. 1794) of Liz Miranda and others for legislation to prevent the imposition of mandatory minimum sentences based on juvenile adjudication. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1517 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act to prevent the imposition of mandatory minimum sentences based on juvenile adjudications.

*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 10G of chapter 269, as appearing in the 2018 Official Edition, is  
2 hereby amended by striking out, in lines 36 and 37, the words “have the meaning set forth in  
3 section 121 of chapter 140” and inserting in place thereof the following words:- shall mean any  
4 crime punishable by imprisonment for a term exceeding 1 year that: (i) has an element the use,  
5 attempted use or threatened use of physical force or a deadly weapon against the person of  
6 another; (ii) is burglary, extortion, arson or kidnapping; or (iii) involves the use of explosives.

7           SECTION 2. Said section 10G of said chapter 269, as so appearing, is hereby amended  
8 by adding the following sentence to the end thereof:- (f) For purposes of this section, any type of  
9 juvenile adjudication shall not be considered a prior conviction and shall not be used as a prior

10 predicate conviction that triggers, when an adult, an enhanced sentence. For purposes of this  
11 subsection, a juvenile adjudication shall include, but not be limited to, a delinquent child or  
12 youthful offender adjudication, a juvenile adjudication in another jurisdiction, or an adult  
13 conviction in another jurisdiction that would be a juvenile adjudication in the commonwealth.

14 SECTION 3. Notwithstanding any general or special law to the contrary, any person  
15 currently serving a sentence pursuant to section 10G of chapter 269, including being on  
16 probation or parole, where a juvenile adjudication, including but not limited to, a delinquent  
17 child or youthful offender adjudication, a juvenile adjudication in another jurisdiction, or an  
18 adult conviction in another jurisdiction that would be a juvenile adjudication in the  
19 commonwealth, has been used as a prior predicate conviction, then such person shall be  
20 resentenced without that juvenile adjudication being used as a prior predicate conviction. If a  
21 defendant is resentenced under this section, the sentence shall not be increased in length of  
22 committed time, probation, or parole.