

HOUSE No. 00431

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer

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 passage of the accompanying bill:

An Act relative to parole board procedures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Christopher Markey</i>	<i>9th Bristol</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>

<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>

HOUSE No. 00431

By Mr. James J. Dwyer of Woburn, petition (accompanied by bill, House, No. 00431) of Walter F. Timilty and others relative to parole board procedures. Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to parole board procedures.

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. Every prisoner who is serving a sentence for life in a correctional institution of the
2 commonwealth, except prisoners confined to the hospital at the Massachusetts Correctional
3 Institution, Bridgewater, and except prisoners serving a life sentence for murder in the first
4 degree, shall be eligible for parole, and the parole board shall, within 60 days before the
5 expiration of 15 years of such sentence, conduct a public hearing before the full membership
6 unless a member of the board is determined to be unavailable as provided in this section. For the
7 purposes of this section, the term unavailable shall mean that a board member has a conflict of
8 interest to the extent that the member cannot render a fair and impartial decision or that the
9 appearance of a board member would be unduly burdensome because of illness, incapacitation,
10 or other circumstance. Whether a member is unavailable for the purposes of this section shall be
11 determined by the chair. Board members shall appear unless the chair determines them to be
12 unavailable. Under no circumstances shall a parole hearing proceed pursuant to this section

13 unless a majority of the board is present at the public hearing. Any board member who was not
14 present at the public hearing shall not vote in the matter of the hearing.

15 The board shall at least 30 days before such hearing notify in writing the attorney general, the
16 district attorney in whose district sentence was imposed, the chief of police or head of the
17 organized police department of the municipality in which the crime was committed and the
18 victims of the crime for which sentence was imposed, and the officials and victims may appear
19 in person or be represented or make written recommendations to the board. The district attorney
20 in whose district sentence was imposed shall notify the board when the written notification is
21 received. If receipt of notification is not received from the district attorney in whose district
22 sentence was imposed prior to the public hearing, the board shall postpone the hearing for not
23 more than 7 business days in order to confirm receipt of the notification by the district attorney.

24 After such hearing the parole board may, by a vote of not less than 5 of its 7 members, grant to
25 such prisoner a parole permit to be at liberty upon such terms and conditions as it may prescribe
26 for the unexpired term of the prisoner's sentence. If the board contains less than 7 members for a
27 parole hearing, the board shall require a vote of one-half the members present plus 1 to grant the
28 parole permit. If such permit is not granted, the parole board shall, at least once in each ensuing
29 5 year period, consider carefully and thoroughly the merits of each such case on the question of
30 releasing such prisoner on parole, and may, by a vote of 5 of the 7 members, grant such parole
31 permit.

32 All votes of the parole board shall be made public.

33 Such terms and conditions may be revised, altered and amended, and may be revoked, by the
34 parole board at any time. The violation by the holder of such permit or any of its terms or

35 conditions, or of any law of the commonwealth, may render such permit void, and thereupon, or
36 if such permit has been revoked, the parole board may order his arrest and his return to prison, in
37 accordance with the provisions of section 149.