

HOUSE No. 1195

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balsler

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 providing for enhancing public safety by reforming the Parole Board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>

HOUSE No. 1195

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 1195) of Ruth B. Balsler and others relative to the membership of the Parole Board. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act providing for enhancing public safety by reforming the Parole Board.

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 4 of chapter 27 of the General Laws, as recently amended by
2 sections 6 to 10 of chapter 192 of the Acts of 2012, is hereby further amended by striking it out
3 in its entirety and replacing it with the following:

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5 There shall be in the department, but not subject to its jurisdiction, a parole board, consisting of
6 nine members, to be appointed by the governor, with the advice and consent of the council, for
7 terms of five years. The governor may, with the advice and consent of the council, remove
8 members from the board for cause, upon a written certification of such cause; provided, that such
9 member shall have the right to notice and the opportunity for a public hearing before the council
10 relative to such removal.

11
12 Whenever a vacancy occurs in the membership of the board the governor shall appoint a panel
13 of 9 persons consisting of the administrative justice for the superior court department, the
14 president of the state parole officers association, 1 person chosen from a list of 3 nominees
15 submitted by the Massachusetts District Attorneys Association, 1 person chosen from a list of 3
16 nominees submitted by the committee for public counsel services, 1 person chosen from a list of
17 3 nominees submitted by the Prisoners' Legal Services and 1 member from local law
18 enforcement, the chairman of the advisory committee on correction, the president of the
19 Massachusetts bar association or his designee, and the secretary of the executive office of public
20 safety who shall serve as chairman of said panel. Said panel shall submit to the governor, within
21 sixty days of the establishment of said panel, a list of not less than six nor more than nine
22 persons, or not more than twelve persons in the event there should be two or more vacancies to
23 fill, who are qualified by knowledge, education or experience in the administration of criminal

24 justice or in the behavioral sciences as hereinafter provided. Such persons shall be graduates of
25 an accredited four-year college or university and shall have had at least five years of training and
26 experience in one or more of the following fields:-- parole, probation, corrections, law, law
27 enforcement, psychology, psychiatry, sociology and social work; provided, however, that the
28 panel may, by unanimous vote, submit the name of a person who has demonstrated exceptional
29 qualifications and aptitude for carrying out the duties required of a parole board member, if such
30 person substantially, although not precisely, meets the above qualifications. At least 1 person on
31 said list shall be a professional with not less than 5 years of experience and training in adolescent
32 development and psychology, and shall be selected from a list of proposed nominees provided by
33 the following organizations: the Massachusetts Chapter of the American Academy of Pediatrics,
34 Inc.; the New England Council of Child and Adolescent Psychiatry, Inc.; the Massachusetts
35 Psychological Association, Inc.; and the Massachusetts Psychiatric Society, Inc. The list of
36 names of such persons for each vacancy shall include one or more of the following, insofar as it
37 is possible to select such persons who are willing and able to fill promptly the existing vacancy
38 or vacancies:-- an attorney admitted to practice in Massachusetts, an M.D. with a board
39 certification in psychiatry and a license in good standing with the Board of Registration in
40 Medicine, a victim witness advocate; provided, that such victim representative is otherwise
41 qualified as provided for above, a psychologist with a license in good standing with the Board of
42 Registration in Psychology, a social worker with a PhD in social work or a license as a
43 LICSW/LCSW in good standing with the Board of Registration in Social Work or a PhD in
44 sociology, and a member of the Massachusetts parole staff. No fewer than 3 members of said
45 board shall be selected from fields of psychiatry, psychology, social work, or sociology.

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47 The governor shall designate one of the members as chairman, said member to serve as
48 chairman at the will of the governor. The chairman shall be the executive and administrative
49 head of said board, shall have the authority and responsibility of directing assignments of
50 members of said board and shall be the appointing and removing authority for parole agents and
51 other members of the parole staff. In the case of the absence or disability of the chairman, the
52 governor may designate one of the members to act as chairman during such absence or disability.

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54 The positions of chairman and each of the other members shall be classified in accordance with
55 section forty-five of chapter thirty and the salaries shall be determined in accordance with section
56 forty-six C of said chapter thirty. Members shall devote full time to their duties, and no member
57 shall hold any other salaried public office or engage in any activity which is in violation of any
58 law or which interferes or conflicts with his full time service as a member during his
59 incumbency.

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62 SECTION 2: Section 133A of chapter 127 of the General Laws, as recently amended by
63 sections 37 and 39 of chapter 192 of the Acts of 2012, is hereby further amended by striking it

64 out the first paragraph in its entirety and replacing it with the following:

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66 Every prisoner who is serving a sentence for life in a correctional institution of the
67 commonwealth, except prisoners confined to the hospital at the Massachusetts Correctional
68 Institution, Bridgewater, except prisoners serving a life sentence for murder in the first degree
69 and except prisoners serving more than 1 life sentence arising out of separate and distinct
70 incidents that occurred at different times, where the second offense occurred subsequent to the
71 first conviction, shall be eligible for parole at the expiration of the minimum term fixed by the
72 court under section 24 of chapter 279 . The parole board shall, within 60 days before the
73 expiration of such minimum term, conduct a public hearing before any six members appointed
74 by the chairman to act as the parole board for purposes of granting or revocation of paroles.
75 Notwithstanding the previous sentence, the board may postpone a hearing until 30 days before
76 the expiration of such minimum term, if the interests of justice so require and upon publishing
77 written findings of the necessity for such postponement If a board member has a conflict of
78 interest to the extent that he cannot render a fair and impartial decision or that the appearance of
79 a board member would be unduly burdensome because of illness, incapacitation, or other
80 circumstance, the chair shall appoint another member of the board to the hearing panel. Whether
81 a member is unavailable for the purposes of this section shall be determined by the chair. Board
82 members shall appear unless said chair determines them to be unavailable. Under no
83 circumstances shall a parole hearing proceed pursuant to this section unless a majority of the
84 board is present at the public hearing.

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87 SECTION 3: Section 133A of chapter 127 of the General Laws, as recently amended by
88 sections 37 and 39 of chapter 192 of the Acts of 2012, is hereby further amended by striking it
89 out the third paragraph in its entirety and replacing it with the following:

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91 After such hearing the parole board may, by a vote of two-thirds of the hearing panel, grant to
92 such prisoner a parole permit to be at liberty upon such terms and conditions as it may prescribe
93 for the unexpired term of his sentence. If such permit is not granted, the parole board shall, at
94 least once in each ensuing five year period, consider carefully and thoroughly the merits of each
95 such case on the question of releasing such prisoner on parole, and may, by a vote of two-thirds
96 of the hearing panel, grant such parole permit. By request of the hearing panel, any case may be
97 referred to the full membership of the board for further consideration.

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