

HOUSE No. 1688

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

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>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/19/2023</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>2/8/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/8/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/8/2023</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>3/10/2023</i>

HOUSE No. 1688

By Representative Moran of Lawrence, a petition (accompanied by bill, House, No. 1688) of Frank A. Moran and others relative to mandatory minimum sentences based on juvenile adjudications. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 52 of chapter 119 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in line 24, the words “, (c) or (d)” and
3 inserting in place thereof the following words:- or (c).

4 SECTION 2. Said section 52 of said chapter 119, as so appearing, is hereby amended by
5 striking out, in lines 24 through 28, the words “; provided that, nothing in this clause shall allow
6 for less than the imposition of the mandatory commitment periods provided in section fifty-eight
7 of chapter one hundred and nineteen”

8 SECTION 3. Section 54 of said chapter 119, as so appearing, is hereby amended by
9 striking out, in line 26, the words “, (c) or (d)” and inserting in place thereof the following
10 words:- or (c).

11 SECTION 4. Section 58 of said chapter 119, as so appearing, is hereby amended by
12 striking out the seventh and eighth paragraphs.

13 SECTION 5. Subsection (d) of section 10 of chapter 269 of the General Laws, as so
14 appearing, is hereby amended by adding the following 2 sentences to the end thereof:- For
15 purposes of this section, any type of juvenile adjudication shall not be considered a prior
16 conviction and shall not be used as a prior predicate conviction that triggers an enhanced
17 sentence for an adult or for a juvenile. For purposes of this subsection, a juvenile adjudication
18 shall include, but not be limited to, a delinquent child or youthful offender adjudication, a
19 juvenile adjudication in another jurisdiction, or an adult conviction in another jurisdiction that
20 would be a juvenile adjudication in the commonwealth.

21 SECTION 6. Section 10G of said chapter 269, as so appearing, is hereby amended by
22 striking out, in lines 36 and 37, the words “have the meaning set forth in section 121 of chapter
23 140” and inserting in place thereof the following words:- shall mean any crime punishable by
24 imprisonment for a term exceeding 1 year that: (i) has as an element of the offense the use,
25 attempted use or threatened use of physical force or a deadly weapon against the person of
26 another; (ii) is burglary, extortion, arson or kidnapping; or (iii) involves the use of explosives.

27 SECTION 7. Said section 10G of said chapter 269, as so appearing, is hereby amended
28 by adding the following sentence to the end thereof:- (f) For purposes of this section, any type of
29 juvenile adjudication shall not be considered a prior conviction and shall not be used as a prior
30 predicate conviction that triggers an enhanced sentence for an adult or a juvenile. For purposes of
31 this subsection, a juvenile adjudication shall include, but not be limited to, a delinquent child or

32 youthful offender adjudication, a juvenile adjudication in another jurisdiction, or an adult
33 conviction in another jurisdiction that would be a juvenile adjudication in the commonwealth.

34 SECTION 8. Notwithstanding any general or special law to the contrary, if any person is
35 currently serving a sentence pursuant to section 10 of chapter 269 or section 10G of chapter 269,
36 including being on probation or parole, where a juvenile adjudication, including but not limited
37 to, a delinquent child or youthful offender adjudication, a juvenile adjudication in another
38 jurisdiction, or an adult conviction in another jurisdiction that would be a juvenile adjudication in
39 the commonwealth, has been used as a prior predicate conviction, then such person shall be
40 resentenced without that juvenile adjudication being used as a prior predicate conviction. If a
41 defendant is resentenced under this section, the sentence shall not be increased in length of
42 committed time, probation, or parole.