

HOUSE No. 1707

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 to require mandatory post release supervision and assistance for all offenders released from state and county incarceration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael F. Rush	10th Suffolk
Elizabeth A. Malia	11th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1431 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REQUIRE MANDATORY POST RELEASE SUPERVISION AND ASSISTANCE FOR
ALL OFFENDERS RELEASED FROM STATE AND COUNTY INCARCERATION.

*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 28 of Chapter 279 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by deleting “Section 28. Repealed, 1993, 432, Sec. 17”, inserting in its place the
3 following:—

4 “Section 28. Post release supervision.

5 (a) All sentences of incarceration to a correctional facility shall include a period of mandatory post-
6 release supervision and assistance, except where mandated by section 133A of chapter 127, where an
7 individual has successfully completed a period of probation imposed by the court, or where an individual
8 is sentenced to lifetime community parole pursuant to section 45 of chapter 265 and section 133D of
9 chapter 127. For those not subject to parole or probation, the period of mandatory post-release
10 supervision and assistance shall be 25 percent of the maximum term of incarceration imposed at
11 sentencing, or nine months, whichever is greater. Where an individual is convicted of multiple offenses,
12 the offense with the greatest term of incarceration shall be used to determine the length of the post-release
13 supervision period.

14 (b) Upon release, an individual subject to post-release supervision and assistance per section 1 shall be
15 under the jurisdiction of and supervised by the parole board. The chairman of the parole board shall
16 establish uniform regulations for mandatory post-release supervision consistent with the applicable
17 provisions of chapter 127 and 276. All persons under such supervision shall be subject to the provisions
18 of law, rules and regulations governing parole. The parole board will actively work either the department
19 of social services or the department of youth services, or both, where applicable, to provide assistance to
20 the releasee in areas including, but not limited to, housing, education, employment training and
21 employment opportunity. Nothing in this section shall limit the authority of the superior, municipal,

Comment [MAC1]: Section 28 or 29

22 district or juvenile court to impose conditions of probation supervision to protect the public or promote
23 the rehabilitation of any person.

24 (c) An individual who violates a condition of mandatory post-release supervision shall be subject to
25 modification or revocation proceedings initiated by the parole board. In all proceedings under this
26 section, upon a violation, the individual may be placed under increased supervision, subjected to other
27 conditions, or incarcerated for not more than the maximum remaining unserved portion of their sentence.
28 In the case of any violation for use of controlled substances or an offense for operating under the
29 influence of drugs or alcohol, the period of mandatory post-release supervision shall be extended to
30 accommodate an appropriate substance abuse program. For any violation of the conditions of mandatory
31 post-release supervision, the period of supervision shall be stayed during a period of incarceration and it
32 shall be resumed upon release. If such violation constitutes a criminal offense, said period of
33 incarceration shall be served on and after any sentence received as a result of the new offense. Upon
34 subsequent release, the greater of the maximum sentences of the original offense and subsequent offense
35 shall be used to calculate the new mandatory post-release supervision period.

36 (d) Where any provision of this chapter or the application thereof shall, for any reason, be held invalid,
37 the remainder of this chapter or the application of such provision other than those as to which it is held
38 invalid shall not be affected thereby.”