

**HOUSE . . . . . No. 1748**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kate Lipper-Garabedian***

*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 relative to judicial discretion for probation.

PETITION OF:

| NAME:                         | DISTRICT/ADDRESS:     | DATE ADDED:      |
|-------------------------------|-----------------------|------------------|
| <i>Kate Lipper-Garabedian</i> | <i>32nd Middlesex</i> | <i>2/18/2021</i> |

**HOUSE . . . . . No. 1748**

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By Mrs. Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 1748) of Kate Lipper-Garabedian relative to judicial discretion for probation. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to judicial discretion for probation.

*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 87 of chapter 276 of the General Laws is hereby amended by  
2 adding the following paragraph:-

3 “A judge may exercise discretion in placing a defendant on probation and consider the  
4 following:

5 (i) age;

6 (ii) nature of the defendant’s military service, if any;

7 (iii) education;

8 (iv) injuries or wounds sustained;

9 (v) military discipline record, if the defendant served in the military;

10 (vi) past and current medical status;

- 11 (vii) family and medical psychological reports;
- 12 (viii) nature of past criminal convictions, if any;
- 13 (ix) age of previous criminal convictions, if any;
- 14 (x) employment status;
- 15 (xi) arrest record;
- 16 (xii) nature of current criminal matter and, if violent, the nature and extent of any injuries  
17 to the victim and the relationship of victim to defendant;
- 18 (xiii) the availability of family and community support systems;
- 19 (xiv) the proposed probation terms; and
- 20 (xv) any other facts or circumstances having a bearing on pre-trial probation."