

**SENATE . . . . . No. 1547**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Liz Miranda*

*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 parole review for aging incarcerated people.

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:       |                  |
|---------------------------|-------------------------|------------------|
| <i>Liz Miranda</i>        | <i>Second Suffolk</i>   |                  |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i>    | <i>2/8/2023</i>  |
| <i>Lydia Edwards</i>      | <i>Third Suffolk</i>    | <i>2/14/2023</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>3/2/2023</i>  |

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By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1547) of Liz Miranda, Jack Patrick Lewis, Lydia Edwards and Patricia D. Jehlen for legislation relative to parole review for aging incarcerated people. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

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

An Act relative to parole review for aging incarcerated people.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 127 Section 133F: Parole eligibility for people aged 55 and older who have  
2 served at least half or 15 years of their sentence

3 Notwithstanding any other section of law, when a person serving a sentence of  
4 incarceration has served at least (i) one half of their minimum term of sentence, or (ii) one half of  
5 their total aggregate sentence if serving multiple consecutive sentences, or (iii) one half of the  
6 component sentence that carries the latest date if serving multiple concurrent sentences, or (iv)  
7 fifteen years, whichever is less, and has reached the age of fifty-five, the parole board shall  
8 schedule a hearing within sixty days of eligibility, i.e. the date of the person's fifty-fifth birthday  
9 or the day that they meet the time served requirement of this subsection, whichever is later, to  
10 determine whether such person should be granted a parole permit under section Chapter 127  
11 Section 133A. The board must also give special consideration to the incarcerated person's

12 advanced age; long-term confinement; diminished physical or mental condition if any, and  
13 reasonable accommodations for such conditions.

14 After such hearing the parole board may, by a vote of two-thirds of its members, grant to  
15 such an incarcerated person a permit to be at liberty upon such terms and conditions as it may  
16 prescribe for the unexpired term of his sentence. The parole board shall issue its decision within  
17 two months of the hearing. If such permit is not granted, the parole board shall, at least once in  
18 each ensuing two year period, consider carefully and thoroughly the merits of each such case on  
19 the question of releasing such prisoner on parole and may, by a vote of two-thirds of its  
20 members, grant such parole permit.

21 All decisions to grant or deny parole shall be made without bias pertaining to a person's  
22 race, ethnicity, disability, religion, sexual orientation, or gender identity

23 The hearings required by this subsection shall be in addition to and not replace other  
24 parole or medical parole eligibility.

25 If an incarcerated person is indigent, the incarcerated person shall have the right to have  
26 appointed counsel at the parole hearing and shall have the right to funds for experts pursuant to  
27 chapter 261.

28 The Parole Board shall file an annual report not later than March 1 for the prior fiscal  
29 year with the clerks of the senate and the house of representatives, the senate and house  
30 committees on ways and means, and the joint committee on the judiciary detailing: (i) the  
31 number of incarcerated people in the custody of the department of correction or the sheriffs who  
32 were eligible for parole under this section and the age, gender, race, ethnicity, and governing  
33 offense of each person; (ii) the number of incarcerated people who have been granted parole

34 under this section and the age at the time of the hearing, gender, race and ethnicity, and  
35 governing offense of each person; (iii) the number of incarcerated people who have been denied  
36 parole under this section, the reason for the denial, and the age, gender, race and ethnicity, and  
37 governing offense of each person; (iv) the number of incarcerated people eligible for parole  
38 under this section who have had previous elder parole hearings; (vii) the number of incarcerated  
39 people released under this section who have been returned to the custody of the department or  
40 the sheriff and the reason for each prisoner's return. Nothing in this report shall include  
41 personally identifiable information of incarcerated people.