

SENATE No. 2805

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, July 9, 2020.

The committee on the Judiciary, to whom was referred the petitions (accompanied by bill, Senate, No. 845) of William N. Brownsberger, Cynthia Stone Creem, Antonio F. D. Cabral, Joseph A. Boncore and other members of the General Court for legislation to prevent the imposition of mandatory minimum sentences based on juvenile adjudications; and (accompanied by bill, House, No. 1517) of Liz Miranda and others for legislation to prevent the imposition of mandatory minimum sentences based on juvenile adjudication, reports the accompanying bill (Senate, No. 2805).

For the committee,
James B. Eldridge

SENATE No. 2805

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 10G of Chapter 269 is hereby amended by striking the words “have
2 the meaning set forth in section 121 of chapter 140” and inserting in place thereof the following
3 words:-

4 mean any crime punishable by imprisonment for a term exceeding one year that: (i) has
5 an element the use, attempted use or threatened use of physical force or a deadly weapon against
6 the person of another; (ii) is burglary, extortion, arson or kidnapping; or (iii) involves the use of
7 explosives.

8 SECTION 2. Section 10G of Chapter 269 is hereby amended by adding the following
9 sentence to the end thereof:-

10 (f) For purposes of this section, any type of juvenile adjudication shall not be considered
11 a prior conviction and shall not be used as a prior predicate conviction that triggers, when an
12 adult, an enhanced sentence. For purposes of this subsection, a juvenile adjudication shall

13 include, but not be limited to, a delinquent child or youthful offender adjudication, a juvenile
14 adjudication in another jurisdiction, or an adult conviction in another jurisdiction that would be a
15 juvenile adjudication in the Commonwealth.

16 SECTION 3. Notwithstanding any general or special law to the contrary, any person
17 currently serving a sentence pursuant to section 10G of chapter 269, including being on
18 probation or parole, where a juvenile adjudication, including but not be limited to, a delinquent
19 child or youthful offender adjudication, a juvenile adjudication in another jurisdiction, or an
20 adult conviction in another jurisdiction that would be a juvenile adjudication in the
21 Commonwealth, has been used as a prior predicate prior conviction, then such person shall be
22 resentenced without that juvenile adjudication being used as a prior predicate conviction. If a
23 defendant is resentenced under this subsection, the sentence shall not be increased in length of
24 committed time, probation, or parole.