

SENATE No. 857

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 repealing mandatory life without parole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/29/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/1/2019</i>

SENATE No. 857

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 857) of William N. Brownsberger, Jason M. Lewis, Jack Patrick Lewis, Rebecca L. Rausch and others for legislation to repeal mandatory life without parole. The Judiciary.

The Commonwealth of Massachusetts

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

An Act repealing mandatory life without parole.

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 133A of chapter 127 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the words "for whom the court determined that
3 they shall not be eligible for parole" after the words "at the time of the murder".

4 SECTION 2. Section 133B of chapter 127 of the General Laws, as so appearing is hereby
5 amended by striking the words "subsection (e) of" in the final paragraph.

6 SECTION 3. Section 2 of chapter 265 of the General Laws, as so appearing, is hereby
7 amended by striking the words "shall not be eligible for parole pursuant to section 133A of
8 chapter 127" and inserting in place thereof the following:- "may be eligible for parole after a
9 term of years fixed by the court pursuant to section 24 of chapter 279; provided that the court
10 shall set said term of years at no fewer than 35 years; and provided further, that the court may
11 determine that the person shall not be eligible for parole".

12 SECTION 4. Section 24 of chapter 279 of the General Laws, as so appearing, is hereby
13 amended by adding the following sentence to the end of the first paragraph:- In the case of a
14 sentence for murder in the first degree committed by a person on or after the person's eighteenth
15 birthday, the court either shall set a minimum term which shall be not less than 35 years or shall
16 determine that the person shall not be eligible for parole.

17 SECTION 5. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby
18 amended by adding the words "; provided, however, that the court may set parole eligibility at 35
19 years or greater for a person who would otherwise face a life sentence without eligibility for
20 parole under the provisions of this section;" after the words "enumerated in clause (i)" and after
21 the words "person's sentence for good conduct."

22 SECTION 6. This Act shall apply to persons sentenced after the effective date of this
23 Act.