

HOUSE No.

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:

Michael F. Rush

DISTRICT/ADDRESS:

10th Suffolk

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

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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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 Repealed, 1993, 432, Sec. 17”, inserting in its place the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:-

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5 “Section 28. Post release supervision.

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

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16 (b) Upon release, an individual subject to post-release supervision and assistance per section 1 shall be
17 under the jurisdiction of and supervised by the parole board. The chairman of the parole board shall

18 establish uniform regulations for mandatory post-release supervision consistent with the applicable
19 provisions of chapter 127 and 276. All persons under such supervision shall be subject to the provisions
20 of law, rules and regulations governing parole. The parole board will actively work either the
21 department of social services or the department of youth services, or both, where applicable, to provide
22 assistance to the releasee in areas including, but not limited to, housing, education, employment
23 training and employment opportunity. Nothing in this section shall limit the authority of the superior,
24 municipal, district or juvenile court to impose conditions of probation supervision to protect the public
25 or promote the rehabilitation of any person.

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

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

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