

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Tarr, Bruce (SEN)**

*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 requiring payment by certain prisoners of the Commonwealth**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tarr, Bruce (SEN)	First Essex and Middlesex
Richard R. Tisei	Middlesex and Essex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01417 OF .]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**  
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**AN ACT REQUIRING PAYMENT BY CERTAIN PRISONERS OF THE COMMONWEALTH.**

*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. Notwithstanding any general or special law to the contrary, any adult  
2 person committed to the state or county correctional facility, as defined in Section 1 of Chapter  
3 125 of the General Laws, shall at the time of sentencing be interviewed by the Department of  
4 Probation for the purpose of determination of financial condition and indigency. Said interview  
5 shall be conducted in accordance with the provisions of Sections 27A through 27C of Chapter  
6 261 of the General Laws. If the court finds the defendant not indigent, the court shall order in  
7 the minimum that the prisoner pay to the Commonwealth if committed to a state correctional  
8 facility or to the county of committed to a House of Correction, the sum of \$2.00 (two dollars)  
9 per calendar day of incarceration to defray the costs of incarceration. The Commissioner of  
10 Correction or Sheriff or Superintendent of the facility in which the prisoner is incarcerated, shall  
11 no later than thirty days prior to the prisoner's release, prepare an accounting of sums owed to  
12 the Commonwealth or a county, but non-payment shall in no case be a condition of release of

13 grounds for violation of probation or parole. The provisions of this Act shall not be applicable to  
14 prisoners determined to be pregnant, terminally ill or confined in a hospital during incarceration.  
15 Any party aggrieved by the determination of the court, Commissioner, Sheriff or Superintendent  
16 may appeal such determination in accordance with the provisions of Section 27D of Chapter 261  
17 of the General Laws.