

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

BILL FILING TEMPLATE

Be It Enacted, by the Senate and House of Representatives, etc., as follows:

SECTION 1. Section 28 of Chapter 279 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by deleting “Section 28. Repealed, 1993, 432, Sec. 17”, inserting in its place the following:-

Section 28. Post release supervision.

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

(b) Upon release, an individual subject to post-release supervision and assistance per section 1 shall be under the jurisdiction of and supervised by the parole board. The chairman of the parole board shall establish uniform regulations for mandatory post-release supervision consistent with the applicable provisions of chapter 127 and 276. All persons under such supervision shall be subject to the provisions of law, rules and

regulations governing parole. The parole board will actively work either the department of social services or the department of youth services, or both, where applicable, to provide assistance to the releasee in areas including, but not limited to, housing, education, employment training and employment opportunity. Nothing in this section shall limit the authority of the superior, municipal, district or juvenile court to impose conditions of probation supervision to protect the public or promote the rehabilitation of any person.

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

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