SENATE DOCKET, NO. 1791 FILED ON: 1/21/2011

SENATE . . . . . No. 756

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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:

An Act relative to sentencing laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1791 FILED ON: 1/21/2011

SENATE . . . . . No. 756

By Ms. Creem, a petition (accompanied by bill, Senate, No. 756) of Cynthia S. Creem for legislation relative to sentencing laws. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1677* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to sentencing laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be a commission to study the issue of prison overcrowding, the threat overcrowding posses to public safety and to make recommendations for the reduction in the population of the commonwealth's prisons, houses of corrections and jails. The commission shall include and be co-chaired by the senate and house chairs of the joint committee on public safety. The commission's other members shall be the secretary of public safety, the commissioner of the department of corrections, the president of the Massachusetts Sheriff's Association, and a representative of the Massachusetts Correctional Legal Services.

SECTION 2. Section 129D of chapter 127, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 14, the words "two and one-half days" and inserting the following words:- three days

SECTION 3. Section 129D of chapter 127, as so appearing, is hereby further amended by striking out, in line 19, the words "seven and one-half" and inserting the following words:- ten days

SECTION 4. Chapter 276, as appearing in the 2004 Official Edition, is hereby amended by striking out section 42 and inserting the following new section:-

Section 42. If it appears that a crime has been committed and that there is probable cause to believe the prisoner guilty, the court or justice shall, if final jurisdiction is not

18 exercised, admit the prisoner to bail, if the crime is bailable and sufficient bail is offered;
19 otherwise, except as provided for in section 16 of chapter 125, such prisoner shall be either
20 committed to jail or placed under electronic supervision by the sheriff until trial. If a prisoner
21 cannot offer sufficient bail, the court may place them under electronic supervision by the sheriff
22 as an alternative to being committed to a jail.

23 SECTION 5. Section 57 of chapter 276, as so appearing, is hereby further
24 amended by inserting in line 9 after the words "or witness to bail" the following words:- or
25 electronic supervision by the sheriff

26 SECTION 6. Section 57 of chapter 276, as so appearing, is hereby further
27 amended by inserting in line 13 after the words "to take bail" the following words:- or placed on
28 electronic supervision