



COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS SENATE

STATE HOUSE, BOSTON 02133-1053

SENATOR STEVEN A. BADDOUR

FIRST ESSEX DISTRICT

ROOM 208

TEL. (617) 722-1604

FAX. (617) 722-1999

E-Mail: Steven.Baddour@masenate.gov

VICE-CHAIRMAN
SENATE COMMITTEE ON
WAYS AND MEANS

FOR IMMEDIATE RELEASE

Senate cracks down on habitual offenders

Contact: Michael Habib, Office of Senator Steven Baddour, 617-722-1604

November 10, 2011

BOSTON – The Senate on Thursday unanimously passed a tough and balanced sentencing bill that cracks down on habitual offenders and provides new tools for law enforcement to make the streets and citizens of the Commonwealth safer, announced Senator Steve Baddour.

The bill requires the habitual offender tag to be placed on anyone convicted of two crimes from a list of the most serious offenses, including murder, rape and kidnapping. It also closes a loophole in current law so that sentences served for federal crimes would count toward habitual offender status.

“The Habitual Offender bill, including one of the nation’s toughest ‘three-strikes’ laws and changes to parole eligibility, target the worst types of criminals out there,” said Senator Steven Baddour. “There is a lot of compromise that went along with this bill, and I am proud to have voted unanimously with my Senate colleagues to give law enforcement more tools to address some of the most heinous crimes and reform our outdated habitual offender laws.”

“It is essential that we protect citizens from the most dangerous offenders,” Senate President Therese Murray (D-Plymouth) said. “This bill makes changes to current sentencing and parole laws that will tighten the grip on habitual offenders and help law enforcement build cases against serious criminals by updating current laws to account for the use of new technology.”

“The number one responsibility of government is public safety,” said Senator Stephen M. Brewer (D-Barre), chair of the Senate Committee on Ways and Means. “This bill makes efforts to help correct some egregious faults in the state’s Habitual Offender Sentencing Law at no cost to the Commonwealth. We have included some cost-saving measures here that allow us to strengthen penalties and oversight for repeat offenders. The proposal is exceptionally inclusive and carefully thought out. Quite honestly, when you do not have public safety – nothing else matters.”

Habitual offenders would have to serve two-thirds of any sentence before becoming parole eligible. Currently, they must complete half of their sentence. Additionally, the bill mandates that any habitual offender found guilty of a third offense from the list of most serious crimes would be ineligible for parole.

For anyone serving a life sentence, the bill raises the parole eligibility threshold to a two-thirds vote of the parole board from the current majority vote. Judges must set a parole-eligible date 15 to 20 years into a life sentence. Inmates serving multiple life sentences would not be eligible for parole.

The bill mandates post-release supervision of anyone committed of a felony after the law's effective date. The bill also does the following:

- Reduces mandatory minimum sentences for certain drug crimes under the Controlled Substances Act;
- Offenders currently serving mandatory minimum sentences in state prison for drug crimes would be parole eligible upon completion of the new mandatory minimum sentences contained in the bill;
- Reduces the area considered to be a school zone from 1,000 feet to 500 feet for purposes of enhanced sentences for selling drugs;
- Makes a technical change to the 2008 domestic violence law, ensuring a penalty for a first offense, and creating a stiffer penalty for second/subsequent offenses;
- Establishes the crimes of assault and battery by discharging a firearm, assault with a firearm, murder for hire and strangulation;
- Establishes a "felon in possession" law prohibiting persons convicted of crimes punishable by 2½ years or more in state prison from possessing firearms;
- Increases the amount of good credit that inmates can accrue per program per month from 2½ days to 5 days; Increases the total amount of good credit that inmates can accrue in a month from 7½ days to 10 days; Allows an additional 10 days of credit where an inmate successfully completes a 6-month program; and
- Requires the Department of Correction, sheriffs and the Department of Mental Health to share medical and mental health information when transferring inmates.

To further assist law enforcement efforts, the bill also provides for a limited expansion of the state wiretapping law to include homicide, illegal possession and distribution of drugs, and illegal possession of firearms. It also updates the law to capture text messages and other electronic communications.

One addition to the bill approved on the floor during debate requires level 2 and 3 sex offenders to register in person at a local police department within two days of release.

The bill now goes to the House of Representatives for further action.

###