

An Act to Reduce Mass Incarceration

3.14.23

S. 1045 Sen. Liz Miranda <https://malegislature.gov/Bills/193/S1045>

H. 1821 Rep. Christopher Worrell <https://malegislature.gov/Bills/193/H1821>

S.1045 - H.1821 provide for parole review for all persons criminally sentenced to more than 25 years, and applies retroactively. It would grant parole review to the **1039 men and women currently serving life without parole (LWOP)**,^{1*} as well as to those serving life sentences under the habitual offender sentencing, nearly another 60 persons². These represent **17.5% of the total criminally sentenced state prison population**, currently at some 5950 persons.³ Massachusetts has among the highest such percentages in the United States. (See the last Quick Fact below for the year 2020.)

Additionally, the bill directs the Department of Correction to create restorative justice programs available to all serving such lengthy sentences. Such programming is not currently available except in three of the prisons and only fully developed in one. This long-term, intensive programming, which would include victims' survivors, and other prisoners, would provide a secure and confidential environment for offenders to explore the damage caused by their actions and to consider how best to constructively work to make amends for those damages.

Such persons seeking a parole review under this bill would still need to appear before the Massachusetts parole board, which would retain the right to approve or disapprove parole for each person. Such life sentenced persons granted parole would be under the supervision of a parole officer for life.

¹ <https://www.mass.gov/doc/institutional-fact-cards-july-2022/download>. N.B. In the Institutional Jurisdiction Fact card, the

numbers for second degree and first degree life sentences are reversed.

² <https://www.sentencingproject.org/wp-content/uploads/2021/02/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf> pg.10, Table 1.

³ <https://www.mass.gov/doc/institutional-fact-cards-july-2022/download>. 5950 is the aggregate of the criminally sentenced individuals in the 14 MA institutions The Fact card for Jurisdiction Population states 5614; the difference may represent those held out-of-state.

QUICK FACTS

* 1002 are serving their LWOP sentences in MA institutions, 37 are held out of state.

* Current average cost for housing a single prisoner is above \$120,000 annually, which can triple for those persons who are elderly due to medical costs.

2023 Fiscal yr. DOC budget: \$727,172,175 <https://budget.digital.mass.gov/summary/fy23/line-item>

* In the past two years, 5 persons serving LWOP, all of color, have been released due to corrupted trials. Individual reports in the Boston Globe, WGBH, APnews, NYT, Commonwealth Magazine, USNews.

* Of the 45 persons convicted of first degree murder who have had their sentences commuted between

1971 and 2022, none have committed another murder.

Horton Case Keeping the Jail Cell Shut, Boston Globe, July 8, 1990, p.67; records maintained by the Lifers Group, MCI-Norfolk.

* Among the 50 states, in 2020, Louisiana and Massachusetts had the highest percent of persons

serving LWOP, 16.4% and 15.3% respectively, compared to their total prison populations.

https://www.vera.org/downloads/publications/People_in_Prison_in_Winter_2021-22.pdf pgs.3-4.

<https://www.sentencingproject.org/app/uploads/2022/08/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf> pg.10

PAROLE REVIEW FOR ALL, 106A Franklin St., Watertown, MA 02472

(617) 852-2919