

10) Suspended sentences

This proposal would allow judges more flexibility in sentencing a probationer, who is subject to a suspended sentence, when surrendered. (See Commonwealth v. Holmgren, 421 Mass. 224,(1995), where the court held that the only options a judge has when a probationer, who is subject to a suspended sentence, is surrendered, are either to reprobate with a modification of conditions or to impose the full suspended sentence.)

This proposal would:

amend section 3 of Chapter 279 of the General Laws, as appearing in the 2004 Official Edition, by striking out, in lines 14 and 15, the words "such suspension is revoked, the sentence shall be in full force and effect" and inserting in place thereof the following:-
the defendant violates a condition of probation, the court may (a) continue him on probation with or without extending the term or modifying or enlarging the conditions; or (b) revoke the sentence of probation and commit the defendant to an intermediate sanctions program or impose all or any portion of the suspended sentence.