

# 120 CMR: PAROLE BOARD

## 120 CMR 101.00: GENERAL PROVISIONS

### Section

~~101.1: General Provisions~~

~~101.2: Organization~~

~~: Appointment of Special Parole Board Members 101.03: 101.01: Powers and Duties of the Massachusetts Parole Board~~

~~101.02: Functions and Duties of the Chair of the Massachusetts Parole Board 101.00: General Provisions~~

~~Title. 120 CMR shall be known as the regulations of the Massachusetts Parole Board.~~

~~Authority. The Massachusetts Parole Board is required to promulgate regulations, rules, policies, and procedures governing the performance of its duties. M.G.L. c. 27, § 5.~~

~~Regulations Do Not Limit Statutory Authority. Nothing contained in 120 CMR will be interpreted to limit the authority granted to the Massachusetts Parole Board by any applicable provision of the Massachusetts General Laws.~~

~~Cancellation. All previous Massachusetts Parole Board rules and regulations regarding the organizational and legal basis of the Massachusetts Parole Board are hereby canceled.~~

~~Severability. If any section, subsection, sentence, clause or phrase contained in 120 CMR is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Massachusetts Parole Board, or otherwise inoperative, such decisions will not affect the validity of any other section, subsection, sentence, clause or phrase of 120 CMR.~~

~~: Organization~~

~~The Massachusetts Parole Board is an agency within the Executive Office of Public Safety, which includes the Parole Board Members and the staff of the agency. The seven Parole Board Members are appointed by the Governor with the advice and consent of the Executive Council. The Members are appointed for five year terms or to fill the unexpired term of a prior Member, and devote full time to their duties. M.G.L. c. 27, § 4. The Parole Board may operate as a Full Board with less than seven Members.~~

~~One member of the Parole Board is designated Chair by the Governor. The Chair is the executive and administrative head of the Massachusetts Parole Board. M.G.L. c. 27, § 4.~~

~~On those occasions when the Chair determines that he or she will be unavailable for five days or more, the Chair may designate any Member of the Board to sit as Acting Chair in his or her absence. M.G.L. c. 27, § 5.~~

~~Special Board Member. See M.G.L. c. 27, § 7 and 120 CMR 101.02. 101.02: Appointment of Special Parole Board Members~~

~~The Secretary of Public Safety may appoint a Special Member to the Parole Board for a term up to one year, to perform those duties assigned by the Chair. M.G.L. c. 27, § 7.~~

~~Application for designation of a Special Member of the Parole Board may be made by the Chair of the Parole Board to the Secretary of Public Safety by a certification by the Chair that a significant number of cases is pending and has been pending for at least 30 days and that the active members of the Parole Board could not dispose of these cases within 60 days.~~

~~Retired members of the Parole Board and retired judges of the Commonwealth may qualify for designation as a Special Member of the Parole Board. Retired Members of the Parole Board shall include any former Member of the Parole Board.~~

~~101.01: Powers and Duties of the Massachusetts Parole Board~~

(1) Members of the Parole Board review, authorize, and promulgate the regulations, policies, and procedures of the agency.

(2) Members of the Parole Board issue parole permits, where appropriate, authorizing the holder to serve the remainder of the sentence in the community under the supervision of a parole officer, subject to revocation for violation of parole conditions.

(a) Parole Board ~~M~~m members hold a parole hearing prior to the eligibility date for each inmate

120 CMR: PAROLE BOARD

subject to its jurisdiction and serving a sentence or sentences of 60 days or more. M.G.L. c. 127, § ~~128~~, 134.

(b) Parole Board ~~M~~members determine which inmates who are subject to their jurisdiction may be released on parole. M.G.L. c. 127, § 130.

(c) Parole Board ~~M~~members determine the date of release. M.G.L. c. 27, § 5.

~~(d) Massachusetts Parole Board, as custodial authority, notifies CORI certified individuals of the offender's release on parole. M.G.L. c. 258B, § 3(a).~~

(3) Parole Board ~~M~~members determine under what conditions inmates may be released from incarceration to the community under parole supervision. M.G.L. c. 27, § 5.

(a) Parole Board ~~M~~members specify the terms and conditions of parole in writing. The Massachusetts Parole Board gives the parolee, the State Police, and local police department in the municipality to which the parolee will return a copy of the terms and conditions of parole. M.G.L. c. 27, § 5.

(b) Parole Board ~~M~~members may revise, alter, or amend the terms and conditions on which parole permits are granted where there is a change in circumstances during the term of parole. M.G.L. c. 27, § 5.

(4) The ~~Massachusetts~~Massachusetts Parole Board supervises all offenders released on parole from a Massachusetts sentence and all offenders paroled by other states and accepted by Massachusetts under the provisions of the Interstate Compact for Supervision of ~~Probationers and Parolees~~ Adult Offenders. M.G.L. c. 27, § 5 and c. 127, § 151A(2).

(a) The Massachusetts Parole Board retains jurisdiction over an offender granted a parole from a Massachusetts sentence until the parole discharge date or until the parolee is returned to penal custody after violation of parole.

~~(b) The Massachusetts Parole Board retains jurisdiction over an offender accepted for supervision under the Interstate Compact for Supervision of Probationers and Parolees until such supervision is terminated by the sending state.~~

(b) Parole Board ~~M~~members may permit a parolee to serve the Massachusetts parole term in any other state that is part of the Interstate Compact for Supervision of Adult Offenders~~Probationers and Parolees~~ with the consent of the other state. M.G.L. c. 127, §§ 151A-C.

(5) The Massachusetts Parole Board may conduct investigations of offenders it is considering for release on parole and for revocation of parole. M.G.L. c. 27, § 5(b), and M.G.L. c. 127, § 158.

(6) The Parole Board ~~M~~members may revoke parole status at any time prior to the parole discharge date. Where applicable, the Massachusetts Parole Board notifies CORI certified individuals of such revocation as provided in M.G.L. c. 258B, § 3.

(7) The Massachusetts Parole Board may issue warrants for the return of a parolee to a correctional facility, jail, or a place of detention. M.G.L. c. 127, §§ 149, 149A and 151H.

(8) The Parole Board ~~M~~members serve as the Governor's Advisory Board of Pardons on matters of executive clemency. M.G.L. c. 127, § 154.

(a) The Massachusetts Parole Board may conduct investigations of offenders it is considering for recommendation for pardon or commutation.

(b) The Massachusetts Parole Board supervises all offenders granted commutation of sentence by the Governor and Executive Council and placed on parole or where a pardon is granted under parole conditions. M.G.L. c. 27, § 5.

(c) The Massachusetts Parole Board may order the arrest and detention of any individual granted commutation of sentence by the Governor and Executive Council and placed on parole, or pardoned under parole conditions, for violation of the conditions of such parole or pardon. M.G.L. c. 127, § 155.

## 120 CMR: PAROLE BOARD

(9) The Massachusetts Parole Board may summon witnesses to attend and testify, and to produce books and papers at a hearing on any matter within its authority. M.G.L. c. 233, § 8. The Massachusetts Parole Board may seek an order from a justice of the Supreme Judicial Court or the Superior Court compelling the attendance of a witness who has been so summoned and fails to attend a hearing. M.G.L. c. 233, §§ ~~9 – 11, 10, 11.~~

### 101.02 : Functions and Duties of the Chair of the Massachusetts Parole Board

- (1) The Chair directs the assignments of the Parole Board ~~M~~members. M.G.L. c. 27, § 4.
  - (a) The Chair coordinates the work schedules of the Parole Board ~~M~~members and is responsible for assigning cases.
  - (b) The Chair schedules and chairs executive sessions of the Parole Board ~~M~~members.
- (2) The Chair is responsible for formulating the mission and goals of the Massachusetts Parole Board and for implementing plans to achieve those goals.
- (3) The Chair is responsible for the development, implementation, and annual review of Massachusetts Parole Board regulations, policies, and procedures.
- (4) The Chair is the authority for appointing and removing ~~removal authority for~~ employees of the Massachusetts Parole Board. M.G.L. c. 27, § 4.
- (5) The Chair is responsible for preparation of the Massachusetts Parole Board's budget and shall submit the budget to the Executive Office of Public Safety and Security in accordance with the provisions of M.G.L. c. 29, §§ 3 and 4.
  - (a) The Chair is responsible for authorizing and approving expenditures. M.G.L. c. 29, § 20.
  - (b) The Chair is responsible for preparing and submitting reports of expenditures to the Executive Office of Public Safety and Security. M.G.L. c. 29, §§ 9B, 9D, and 9E.
  - (c) The Chair is responsible for budget modifications. M.G.L. c. 29, § 29.
  - (d) The Chair is responsible for maintaining all financial books and accounts of the Massachusetts Parole Board. M.G.L. c. 30, § 28.
  - (e) The Chair shall permit access for audit and examination of the Massachusetts Parole Board's financial books and accounts by the Department of State Auditor and the Legislative Post Audit and Oversight Committee. M.G.L. c. 3, § 64 and M.G.L.c. 11, § 12.
- (6) The Chair, when designated by the Governor as Administrator of the Interstate Compact for Supervision of ~~Parolees and Probationers~~ Adult Offenders, M.G.L. c. 127, § 151A *et seq.*, may promulgate rules and regulations in concert with Administrators of other contracting states to accomplish the terms of the Compact.
  - (a) The Chair may deputize a parole or probation officer of another state to act as an agent of the Commonwealth in returning an individual who is charged with violating the terms and conditions of parole as granted by the Commonwealth. The Chair may enter into a contract with the Administrator of another Compact state to share in the cost of returning an alleged parole violator. M.G.L. c. 127, §§ 151H-~~J, 151I.~~
- (7) The Chair serves as the official spokesperson for the Massachusetts Parole Board and represents the Massachusetts Parole Board on commissions and boards as required by statute or executive order.
- (8) The Chair may delegate such of his or her authority as is necessary to accomplish the objectives of the Massachusetts Parole Board. M.G.L. c. 27, § 5.

## REGULATORY AUTHORITY

120 CMR 101.00: M.G.L. c. 27, §§ 4-7.