

SENATE NO. 1025

AN ACT AUTHORIZING THE APPEAL OF CERTAIN SENTENCES

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

1 SECTION 1. Section 28A of chapter 278 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after the word “cases”, in line 6, the following words:- “, and
3 for the review of sentences imposed by final judgment in any case resulting in the death of the victim
4 or in any case involving an offense punishable by imprisonment for ten years or more and appealed by
5 the commonwealth, whether or not any term of imprisonment is imposed”.

6 SECTION 2. Section 28B of said chapter 278, as so appearing, is hereby amended by inserting
7 after the word “reviewed”, in lines 1 and 2, the following words:- “, or the commonwealth in any case
8 resulting in the death of the victim or in any case involving an offense punishable by imprisonment for
9 ten years or more.”.

10 SECTION 3. Said section 28B of said chapter 278, as so appearing, is hereby further amended
11 by striking out, in line 4, the words “of his” and inserting in place thereof the following words:- “or
12 the commonwealth of the”.

13 SECTION 4. Said section 28B of said chapter 278, as so appearing, is hereby further amended
14 by striking out, in lines 14 and 15, the words “consider an appeal with or without a hearing”.

15 SECTION 5. Said section 28B of said chapter 278, as so appearing, is hereby further amended
16 by striking out, in lines 21 and 22, the words “review, but no” and inserting in place thereof the
17 following words:- “review. Family members of victims shall have the right to be heard at the hearing
18 in cases resulting in death of the victim and victims shall have the right to be heard at the hearing in
19 cases involving an offense punishable by ten years imprisonment or more, through oral, written or
20 videotaped impact statements, or any combination thereof. No”.

21 SECTION 6. This act shall take effect upon its passage and shall apply to any pending
22 criminal cases in which final judgment has not yet been imposed on or before the effective date of this
23 act.