



Legal Update

July 29, 2014

An Act relative to juvenile life sentences for first degree murder

On July 25, 2014, Governor Patrick signed into law “*An Act relative to juvenile life sentences for first degree murder.*” Key portions of the law are listed below:

- Amends the penalty for first degree murder committed by offenders between the ages of 14 and 18 so as to comply with the holding in *Diatchenko v. District Attorney of the Suffolk District, et al.*, 466 Mass. 655 (2013), that said offenders shall not be punished by life imprisonment without the possibility of parole.
- Sets the following terms for parole eligibility for first degree murder committed by these offenders: 1. First degree murder (felony murder): not less than 20 years nor more than 30 years; 2. First degree murder with deliberately premeditated malice aforethought: not less than 25 years nor more than 30 years; and 3. First degree murder with extreme atrocity or cruelty: not less than 30 years.
- New terms for parole eligibility to be applied to those who commit murder as of July 25, 2014.
- Allows family members of victims murdered by juvenile offenders to represent the victims at the offenders’ parole hearings.
- Mandates the Department of Correction not limit access to programming and treatment for those having been convicted of murder committed between ages of 14 and 18 solely because of the type of crime or the length of incarceration.
- Removes death penalty language from M.G.L. c. 265, § 2.
- This legislation will take effect immediately.

A copy of Chapter 189 of the Acts of 2014 and a summary are attached.