HOUSE DOCKET, NO. 120 FILED ON: 1/10/2011

HOUSE . . . . . No. 485

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo J. Puppolo, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to motor vehicle homicide.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo J. Puppolo, Jr.	*12th Hampden*
Stephen L. DiNatale	*3rd Worcester*
George T. Ross	*2nd Bristol*
Benjamin Swan	*11th Hampden*

HOUSE DOCKET, NO. 120 FILED ON: 1/10/2011

HOUSE . . . . . No. 485

By Mr. Puppolo of Springfield, a petition (accompanied by bill, House, No. 485) of Angelo J. Puppolo, Jr. and others relative to the penalty for negligent operation of a motor vehicle resulting in the death of another person. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1675* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to motor vehicle homicide.

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

An act relative to felony motor vehicle homicide.

SECTION 1. Subdivision (2) of section 24 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after paragraph (a), the following paragraph:-

(a ¼) Whoever, upon any way or in any place to which the public has a right of access, or any place to which members of the public have access, as invitees or licensees, operates a motor vehicle recklessly, or operates such vehicle negligently so that the lives or safety of the public might be endangered and by any such operation, causes the death of another person, shall be punished by imprisonment in the state prison for not less than 2 ½ years nor more than 20 years. The sentence imposed upon such person shall not be suspended, nor shall any person convicted under this paragraph be eligible for probation, parole, or furlough or receive any deduction from his sentence until such person has served at least 1 year of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in

19 employment pursuant to a work release program. Prosecutions commenced under this paragraph
20 shall not be continued without a finding nor placed on file.

21 SECTION 2. Paragraph (b) of subdivision (2) of said section 24 of said chapter 90 of
22 the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting,
23 after the letter "(a)" in line 811, the following:- , paragraph (a ¼)

24 SECTION 3. Paragraph (c) of subdivision (2) of said section 24 of said chapter 90 of the
25 General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after
26 the letter "(a)" in line 828, the following:- , (a ¼)

27 SECTION 4. Said paragraph (c) of said subdivision (2) of said section 24 of said chapter
28 90, as so appearing, is hereby further amended by inserting, after the word "to:" in line 830, the
29 following:- (i) any person convicted of a violation of paragraph (a ¼) until 20 years after the
30 date of revocation following his conviction.

31 SECTION 5. This act shall be known as the Russell "R.J." Potter Act.