

**HOUSE . . . . . No. 1572**

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**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 adoption of the accompanying bill:

An Act relative to motor vehicle homicide.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	

**HOUSE . . . . . No. 1572**

By Mr. Puppolo of Springfield, a petition (accompanied by bill, House, No. 1572) of Angelo J. Puppolo, Jr. 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. 485 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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:*

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

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

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

20 SECTION 2. Paragraph (b) of subdivision (2) of said section 24 of said chapter 90 of  
21 the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting,  
22 after the letter “(a)” in line 811, the following:- , paragraph (a <sup>1</sup>/<sub>4</sub>)

23 SECTION 3. Paragraph (c) of subdivision (2) of said section 24 of said chapter 90 of the  
24 General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after  
25 the letter “(a)” in line 828, the following:- , (a <sup>1</sup>/<sub>4</sub>)

26 SECTION 4. Said paragraph (c) of said subdivision (2) of said section 24 of said chapter  
27 90, as so appearing, is hereby further amended by inserting, after the word “to:” in line 830, the  
28 following:- (i) any person convicted of a violation of paragraph (a <sup>1</sup>/<sub>4</sub>) until 20 years after the  
29 date of revocation following his conviction.

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