

HOUSE No. 1448

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to persistent violent offenders..

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. Chapter 274 of the General Laws, as appearing in the 2004 Official Edition,
2 is hereby amended by inserting after section 1 the following new section:—

3 Section 1A. (a) Any person convicted of two or more separate acts of violence when such
4 offenses were not part of a common act, transaction or scheme shall, upon conviction of a third
5 or subsequent act of violence, be sentenced to life imprisonment and shall not have all or any
6 portion of the sentence suspended provided it is admitted, or found by the jury or judge before
7 whom such offender is tried, that such offender has been previously convicted of two or more
8 such acts of violence.

9 For the purposes of this section, "act of violence" means any one of the following
10 violations:

11 (1) First and second degree murder, pursuant to section 1 of chapter 265;

12 (2) Manslaughter, pursuant to section 13 of chapter 265;

13 (3) Assault with intent to murder or maim, pursuant to section 15 of chapter 265; or
14 assault with a dangerous weapon, pursuant to section 15A of chapter 265;

15 (4) Armed burglary, pursuant to section 14 of chapter 266;

16 (5) Criminal sexual assault and rape, pursuant to section 22 of chapter 265;

17 (6) Sex offense, sex offense involving a child, or sexually violent offense, pursuant to
18 section 178C of chapter six;

19 (7) Conspiracy pursuant to section 7 of chapter 274 to commit any of the violations
20 enumerated in items (1) to (6), inclusive, of this section.

21 (b) Prior convictions shall include convictions under the laws of any state or of the
22 United States for any offense substantially similar to those listed under "act of violence" if such
23 offense would be a felony if committed in the commonwealth.

24 (c) The commonwealth shall notify the defendant in writing, at least 30 days prior to trial,
25 of its intention to seek punishment pursuant to this section.

26 (d) Any person sentenced to life imprisonment pursuant to this section shall not be
27 eligible for parole.