

SENATE No. 1749

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Corporate Criminal Conduct..

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 13 of Chapter 265 of the general laws is hereby amended by
2 adding the following new section after section 13L:-

3 "Section 13M. For the purposes of this section, the following words shall have the
4 following meanings:-

5 "Agent", any person who works for, contracts with or receives any remuneration for
6 work or for services for a corporation, foreign corporation or other entity.

7 "Corporation", a for profit or nonprofit domestic corporation, including its officers,
8 directors, partners, principals, trustees or other executives of these entities.

9 "Foreign corporation", a for profit or nonprofit corporation incorporated under a law
10 other than the laws of the commonwealth that does business in the commonwealth, including its
11 officers, directors officers, partners, principals, trustees or other executives of these entities.

12 "Other entity", any association or entity other than a domestic or foreign corporation, a
13 domestic or foreign nonprofit corporation or a governmental or quasi-governmental organization.

14 The term includes, without limitation, limited partnerships, general partnerships, limited liability
15 partnerships, limited liability companies, joint ventures, joint stock companies, business trusts
16 and profit and not-for-profit unincorporated associations including the partners, principals,
17 officers, directors, owners, trustees or members of these entities.

18 “Serious bodily injury”, bodily injury which results in a permanent disfigurement,
19 protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

20 Any corporation, foreign corporation or other entity that wantonly or recklessly engages
21 in conduct that creates a substantial risk of serious bodily injury or death or wantonly or
22 recklessly fails to take reasonable steps to alleviate such risk shall be punished by a fine of not
23 less than \$1,000,000 nor more than \$10,000,000 if serious bodily injury results and by
24 imprisonment in the house of correction for not more than 2 ½ years, or by a fine of not less than
25 \$10,000,000 nor more than \$50,000,000 if death results and by imprisonment in the state prison
26 for not less than 10 nor more than 25 years.

27 For the purposes of this section, such wanton or reckless behavior occurs when a
28 corporation, foreign corporation, other entity or an employee or agent of a corporation, foreign
29 corporation or other entity is aware of and consciously disregards a substantial and unjustifiable
30 risk that his acts or omissions would result in serious bodily injury or death.

31 SECTION 2. Any corporation, foreign corporation or other entity convicted under this
32 section shall be debarred from doing business in the commonwealth.