

**SENATE . . . . . No. 1858**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to penalties for causing death or serious bodily injury during the course of an escape or attempted escape..

*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 1 of Chapter 265, as appearing in the 2004 Official Edition, is  
2 hereby amended by inserting after the word "commission" the second time that it appears, in line  
3 3, the following words: - "of escape from lawful custody, or."

4 SECTION 2. Section 1 of Chapter 265 of the General Laws, as appearing in the 2004  
5 Official Edition, is hereby amended by inserting after line 7 the following words: -

6 Any person who commits a murder in the commission or attempted commission of an  
7 escape or an attempted escape from the custody of the Department of Youth Services or any  
8 employee thereof, or from any courthouse or land appurtenant thereto or from the custody of any  
9 officer of such courthouse, is murder in the first degree. This provision shall apply to all persons,  
10 notwithstanding the age limitations set forth in General Laws chapter 119, sections 52 to 84,  
11 inclusive.

12 SECTION 3. Section 16 of Chapter 268, as appearing in the 2004 Official Edition, is  
13 hereby amended by adding the following sections: -

14           Section 16B. Any person who, in the course of escape or attempt to escape from lawful  
15 custody causes serious bodily injury to another, shall be punished by imprisonment in the state  
16 prison for not less than fifteen nor more than twenty-five years. For purposes of this section  
17 "serious bodily injury" shall mean bodily injury which created a substantial risk of death or  
18 which involves either total disability or the loss or substantial impairment of some bodily  
19 function for a substantial period of time.

20           Section 16C. A person who has been committed to the custody of the Department of  
21 Youth Services, or who is held in custody by said department for a court appearance, who  
22 escapes or attempts to escape from such custody, or from a courthouse or land appurtenant  
23 thereto, or from the custody of any officer of such courthouse or employee of said department,  
24 by force or threat of force, may be pursued and recaptured and shall be punished by  
25 imprisonment in the state prison for not more than ten years or by imprisonment in a jail or house  
26 of correction for not more than two and one-half years. This provision shall apply to all persons,  
27 notwithstanding the age limitations set forth in General Laws chapter 119, sections 52 to 84,  
28 inclusive.