

**HOUSE . . . . . No. 2823**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Thomas A. Golden, 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 bank robberies and collection of fraudulent checks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>1/21/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/3/2011</i>

**HOUSE . . . . . No. 2823**

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By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 2823) of Thomas A. Golden, Jr. and Angelo J. Puppolo, Jr. relative to bank robberies and collection of fraudulent checks. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to bank robberies and collection of fraudulent checks.

*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 40a of Chapter 93 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by adding after the last sentence in the first paragraph the  
3 following new sentence:- Action taken under this section may be brought before the court where  
4 either the plaintiff or defendant lives or has a place of business or employment.

5           SECTION 2. Section 17 of Chapter 265 of the General Laws, as so appearing, is hereby  
6 amended by striking out said section and inserting in place thereof the following new section:  
7 Whoever, being armed with a dangerous weapon, assaults another and robs, steals or takes from  
8 his person money or other property which may be the subject of larceny shall be punished by  
9 imprisonment in the state prison for life or for any term of years; provided, however, that any  
10 person who commits any offense described herein while masked or disguised or while having his  
11 features artificially distorted, shall, for the first offense be sentenced to imprisonment for not less  
12 than five years and for any subsequent offense for not less than ten years. Whoever commits any  
13 offense described herein while armed with a firearm, shotgun, rifle, machine gun or assault

14 weapon or displays what appears to be a firearm, improvised explosive device or other deadly  
15 weapon, hypodermic needle or any other device that may cause or is intended to inflict bodily  
16 injury or commits a robbery within and against a banking institution as defined in section 1 of  
17 Chapter 167A or a credit union as defined in section 1 of Chapter 171 shall be punished by  
18 imprisonment in the state prison for not less than five years. Any person who commits a  
19 subsequent offense while armed with a firearm, shotgun, rifle, machine gun or assault weapon or  
20 displays what appears to be a firearm, improvised explosive device or other deadly weapon,  
21 hypodermic needle or any other device that may cause or is intended to inflict bodily injury or  
22 commits a robbery within and against a banking institution as defined in section 1 of Chapter  
23 167A or a credit union as defined in section 1 of Chapter 171 shall be punished by imprisonment  
24 in the state prison for not less than 15 years.

25 SECTION 3.

26 Section 19 of said chapter 265 of the General Laws, as so appearing, is hereby amended  
27 by striking out subsection (b) and inserting in place thereof the following subsection (b):-  
28 Whoever, not being armed with a dangerous weapon, by force and violence, or by assault and  
29 putting in fear, robs, steals or takes from the person of another, or from his immediate control,  
30 money or other property which may be the subject of larceny, including attempted robbery of a  
31 bank as defined in section 1 of Chapter 167A or a credit union as defined in section 1 of Chapter  
32 171 shall be punished by imprisonment in the state prison for life or for any term of not less than  
33 30 months.

34 SECTION 4.

35 Section 30 of Chapter 266 of the General Laws, as so appearing, is further amended by  
36 adding to the end of paragraph (1) the following new sentence:- If the larceny involved monies  
37 received through the uttering of a forged, altered or counterfeit check, draft or order for the  
38 payment of money from any bank or other depository, action may be taken before either the  
39 court having jurisdiction where the uttering took place or where the payee bank or other  
40 depository's main office is located.

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42 SECTION 5.

43 Section 37 of said chapter 266 of the General Laws, as so appearing, is hereby amended  
44 by adding the following sentence to the end of said section:- Action taken under this jurisdiction  
45 where the crime was committed or where the main office of the bank or other depository are  
46 located.

47 SECTION 6:

48 Section 37E of Chapter 266 of the General Laws, as so appearing is hereby amended by  
49 inserting after subparagraph (c) the following paragraph (d):

50 Whoever is in unlawful possession of an identity scanning device when he or she  
51 possesses any tool, instrument or other article adapted, designed or commonly used for  
52 committing or facilitating offenses involving accessing a person's financial services account  
53 number or code, savings account number or code, checking account number or code, brokerage  
54 account number or code, credit card account number or code, debit card number or code,  
55 automated teller machine number or code, personal identification number, mother's maiden

56 name, computer system password, electronic signature or unique biometric data that is a  
57 fingerprint, voice print, retinal image or iris image of another person under circumstances  
58 evincing an intent to use or knowledge that some person intends to use the same in the  
59 commission of an offense shall be guilty of identity fraud and shall be punished by a fine of not  
60 more than \$5,000 or imprisonment in a house of correction for not more than two and one-half  
61 years, or by both such fine and imprisonment.

62 SECTION 7:

63 Section 37E of Chapter 266 is hereby further amended by renumbering subparagraph (d)  
64 to (e) and subparagraph (e) to (f).