

HOUSE No. 2841

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 creating the police fire safety equipment fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/21/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2011</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>	<i>2/4/2011</i>
<i>James E. Timilty</i>		<i>2/1/2011</i>

HOUSE No. 2841

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 2841) of Paul McMurtry and others for legislation to authorize the courts to assess a charge to persons charged with operating under the influence and establish a fund for purchasing police and fire safety equipment. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act creating the police fire safety equipment fund.

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 90 of chapter 90 of the General Laws is hereby amended by inserting after the
2 third paragraph of subparagraph (4) of paragraph (a) of subdivision (1) the following new
3 subparagraph:-

4 (5) There shall be established and set up on the books of the commonwealth a separate
5 fund to be known as the Police Fire Safety Equipment Fund, the purpose of which shall be to
6 make an annual disbursement to state and local law enforcement for active or passive fire
7 suppression kits for state and municipal police cruisers to aid in the prevention of fires resulting
8 from rear end collisions. The fund shall be administered by the Executive Office of Public Safety
9 and Security. The state treasurer shall be the custodian of the fund and shall receive, deposit and
10 invest all monies transmitted to him under this section in accordance with sections 34, 34A and
11 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with

the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund.

There shall be an assessment of \$150 against a person who is convicted, placed on probation or granted a continuance without a finding or who otherwise pleads guilty to or admits to a finding of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor or under the influence of marihuana, narcotic drugs, depressants or stimulant substances, provided, however, that but \$125 of the amount collected under this assessment shall be deposited monthly by the court with the state treasurer who shall deposit it into the Police Fire Safety Equipment Fund, and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

Allocations from the Police Fire Safety Equipment Fund shall be made to the Executive Office of Public Safety and Security, which shall administer the distribution of said funds to the Massachusetts State Police and police departments in each municipality of the commonwealth on an annual basis. Monies shall be distributed based on the projected number of new police cruisers expected to be purchased by each state or municipal police department, as demonstrated by each agency's operating budget for that fiscal year.

Fees paid by an individual into the Police Fire Safety Equipment Fund pursuant to this section shall be in addition to, and not in lieu of, any other fee imposed by the court pursuant to this chapter or any other chapter. The administrative office of the trial court shall file a report detailing the amount of funds imposed and collected pursuant to this section to the house and

- 33 senate committees on ways and means and to the victim and witness assistance board not later
- 34 than August 15 of each calendar year.