

# HOUSE . . . . . No. 1293

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Michael J. Finn***

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*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 homicide by motor vehicle.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>1/12/2015</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/30/2015</i>

# HOUSE . . . . . No. 1293

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By Mr. Finn of West Springfield, a petition (accompanied by bill, House, No. 1293) of Michael J. Finn and James T. Welch relative to vehicular homicide while under the influence of an intoxicating substance. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1315 OF 2013-2014.]

## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

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An Act relative to homicide by motor vehicle.

*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 90 of the General Laws is hereby amended by striking out Section  
2   24G (a) as appearing in the 2012 Official Edition, and inserting in place thereof the section:-

3           Section 24G. (a) Whoever, upon any way or in any place to which the public has a right  
4   of access, or upon any way or in any place to which members of the public have access as  
5   invitees or licensees, operates a motor vehicle with a percentage, by weight, of alcohol in their  
6   blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, or  
7   of marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section one  
8   of chapter ninety-four C, or the vapors of glue, and so operates a motor vehicle recklessly or  
9   negligently so that the lives or safety of the public might be endangered, and by any such  
10   operation so described causes the death of another person, shall be guilty of homicide by a motor

11 vehicle while under the influence of an intoxicating substance, and shall be punished by  
12 imprisonment in the state prison for not less than five years or more than fifteen years and a fine  
13 of not more than five thousand dollars, or by imprisonment in a jail or house of correction for not  
14 less than two and a half years and a fine of not more than five thousand dollars. The sentence  
15 imposed upon such person shall not be reduced to less than two and a half years, nor suspended,  
16 nor shall any person convicted under this subsection be eligible for probation, parole, or furlough  
17 or receive any deduction from his sentence until such person has served at least two and a half  
18 years of such sentence; provided, however, that the commissioner of correction may, on the  
19 recommendation of the warden, superintendent, or other person in charge of a correctional  
20 institution, or the administrator of a county correctional institution, grant to an offender  
21 committed under this subsection a temporary release in the custody of an officer of such  
22 institution for the following purposes only: to attend the funeral of a relative; to visit a critically  
23 ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or  
24 to engage in employment pursuant to a work release program. Prosecutions commenced under  
25 this section shall neither be continued without a finding nor placed on file.

26 The provisions of section eighty-seven of chapter two hundred and seventy-six, shall not  
27 apply to any person charged with a violation of this subsection.

28 SECTION 2. Said chapter 90 is hereby further amended by striking out subsection (b)  
29 and inserting in place thereof the section:-

30 (b) Whoever, upon any way or in any place to which the public has a right of access or  
31 upon any way or in any place to which members of the public have access as invitees or  
32 licensees, operates a motor vehicle with a percentage, by weight, of alcohol in their blood of

33 eight one-hundredths or greater, or while under the influence of intoxicating liquor, or of  
34 marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of  
35 chapter ninety-four C, or the vapors of glue, or whoever operates a motor vehicle recklessly or  
36 negligently so that the lives or safety of the public might be endangered and by any such  
37 operation causes the death of another person, shall be guilty of homicide by a motor vehicle and  
38 shall be punished by imprisonment in a jail or house of correction for not less two and one-half  
39 years, and by a fine of not less than three hundred nor more than three thousand dollars.