HOUSE DOCKET, NO. 1200 FILED ON: 1/14/2015

HOUSE . . . . . No. 3450

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 the classification and punishment for certain offenses in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David M. Rogers	*24th Middlesex*	*1/14/2015*
Ruth B. Balser	*12th Middlesex*	*5/15/2015*
Marjorie C. Decker	*25th Middlesex*	*1/30/2015*
Marcos A. Devers	*16th Essex*	*2/2/2015*
James B. Eldridge	*Middlesex and Worcester*	*1/26/2015*
Carmine L. Gentile	*13th Middlesex*	*5/15/2015*
Kenneth I. Gordon	*21st Middlesex*	*2/1/2015*
Paul R. Heroux	*2nd Bristol*	*2/4/2015*
Patricia D. Jehlen	*Second Middlesex*	*2/2/2015*
Mary S. Keefe	*15th Worcester*	*1/29/2015*
Jay D. Livingstone	*8th Suffolk*	*5/14/2015*
Denise Provost	*27th Middlesex*	*1/29/2015*
Daniel J. Ryan	*2nd Suffolk*	*2/4/2015*
Tom Sannicandro	*7th Middlesex*	*2/4/2015*
Benjamin Swan	*11th Hampden*	*1/29/2015*

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HOUSE . . . . . No. 3450

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 3450) of David M. Rogers and others relative to the classification and punishment for certain offenses in the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the classification and punishment for certain offenses in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 34 of chapter 94C of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Any person who violates this section by possessing heroin shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than $2,000, or both.

SECTION 2. Section 30 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) Whoever steals, or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another as defined in this section, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall, if the property stolen is a firearm, as defined in section 121 of chapter 140, or, if the value of the property stolen

exceeds $950, be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than $25,000 and imprisonment in jail for not more than 2 years; or, if the value of the property stolen, other than a firearm as so defined, does not exceed $950, shall be punished by imprisonment in jail for not more than 1 year or by a fine of not more than $300; or, if the property was stolen from the conveyance of a common carrier or of a person carrying on an express business, shall be punished for the first offense by imprisonment for not less than 6 months nor more than 2 and one-half years, or by a fine of not less than $50 nor more than $600, or both, and for a subsequent offense, by imprisonment for not less than 18 months nor more than 2 and one-half years, or by a fine of not less than $150 nor more than $600, or both.

SECTION 3 Said section 30 of said chapter 266, as so appearing, is hereby amended by striking out paragraph (5) and inserting in place thereof the following paragraph:-

(5) Whoever steals or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another, 60 years of age or older, or of a person with a disability as defined in section 13K of chapter 265, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, and shall, if the value of the property exceeds $950, be punished by imprisonment in the state prison for not more than 10 years or in the house of correction for not more than 2 and one-half years, or by a fine of not more than $50,000 or by both such fine and imprisonment; or if the value of the property does not exceed $950, shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by a fine of not more than $1,000 or by both such fine and imprisonment. The court may order, regardless of the value of the property, restitution to be paid to the victim commensurate with the value of the property.

SECTION 4 Section 30A of said chapter 266, as so appearing, is hereby amended by striking out, in lines 43 and 44, the words “one hundred dollars” and inserting in place thereof the following figure:- $950.

SECTION 5 Said chapter 266 is hereby amended by striking out section 60, as so appearing, and inserting in place thereof the following section:-

Section 60. Whoever buys, receives or aids in the concealment of stolen or embezzled property, knowing it to have been stolen or embezzled, or whoever with intent to defraud buys, receives or aids in the concealment of property, knowing it to have been obtained from a person by a false pretense of carrying on business and dealing in the ordinary course of trade, shall, if the value of such property does not exceed $950, be punished for a first or second offense by imprisonment in jail or house of correction for not more than 2 and one-half years, or by a fine of not more than $250; or, if for a third or subsequent offense, or if the value of such property exceeds $950, be punished by imprisonment in the state prison for not more than 5 years, or by imprisonment in a jail or house of correction for not more than 2 and one-half years or by a fine of not more than $500.

SECTION 6. Chapter 267 of the General Laws is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Whoever, with intent to injure or defraud, falsely makes, alters, forges or counterfeits a bank bill or promissory note payable to the bearer thereof or to the order of any person, issued by any incorporated banking company or an instrument described as a United States Dollar Traveller's Check or Cheque, purchased from a bank or other financially responsible institution, the purpose of which is a source of ready money on cashing the

instrument without identification other than the signature of the purchaser, shall, if the value of the instrument exceeds $950 or if the person is simultaneously convicted of a violation of section 37E of chapter 266, be punished by imprisonment in the state prison for life or for any term of years; or shall, if the value of the instrument does not exceed $950 and the person is not simultaneously convicted of a violation of said section 37E of said chapter 266, be punished by imprisonment in jail for not more than 2 years or by a fine of not more than $500 or by both such fine and imprisonment.

SECTION 7. Said chapter 267 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. Whoever utters or passes or tenders in payment as true any such false, altered, forged or counterfeit note, certificate or bill of credit for any debt of the commonwealth, or a bank bill or promissory note payable to the bearer thereof or to the order of any person, issued as aforesaid, or an instrument described as a United States Dollar Traveller's Check or Cheque, purchased from a bank or other financially responsible institution, the purpose of which is a source of ready money on cashing the instrument without identification other than the signature of the purchaser, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud, shall, if the value of the instrument exceeds $950 or if the person is simultaneously convicted of a violation of section 37E of chapter 266, be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than $1,000 and imprisonment in jail for not more than 1 year; or shall, if the value of the instrument does not exceed $950 and the person is not simultaneously convicted of a violation of said section 37E of said chapter 266, be punished by imprisonment in jail for not more than 2 years or by a fine of not more than $500 or by both such fine and imprisonment.