SENATE DOCKET, NO. 1869 FILED ON: 1/16/2015

SENATE . . . . . No. 936

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 habitual drunk drivers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Louis L. Kafka	*8th Norfolk*
Bradford R. Hill	*4th Essex*
Viriato M. deMacedo	*Plymouth and Barnstable*
Robert L. Hedlund	*Plymouth and Norfolk*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*
Richard J. Ross	*Norfolk, Bristol and Middlesex*

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 936) of Bruce E. Tarr, Louis L. Kafka, Bradford R. Hill, Viriato M. deMacedo and other members of the General Court for legislation relative to habitual drunk drivers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *819* OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to habitual drunk drivers.

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. Subsection (b) of section 12 of chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking, in line 9, the figure "$500", and inserting in place thereof the following:- "$1,000"; and

further, by striking, in line 10, the figure "$1,000", and inserting in place thereof the following :-"$2,000".

SECTION 2. Subsection (c) of said section 12 of said chapter 90 of the General Laws, as so appearing, is hereby further amended by striking, in line 17, the figure "$500", and inserting in place thereof the following:-" $1,000"; and

further, by striking, in line 18, the figure “$1,000”, and inserting in place thereof the following:- “2,000”.

SECTION 3. Section 23 of chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “finding.”, in line 118, the following paragraph:-

If the defendant has been previously convicted or assigned to an alcohol or controlled substance education, treatment, or rehabilitation program by a court of the commonwealth or any other jurisdiction because of one or more like violations of the preceding paragraph preceding the date of the commission of the offense, the defendant shall be punished by a fine of not less than $5,000 and imprisonment in the house of correction for not less than 2 years nor more than 2 ½ years by imprisonment in the state prison for not less than 2½ years nor more than 5 years, with said sentence to be served consecutively to and not concurrent with any other sentence or penalty. Such sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from the sentence for good conduct until the defendant shall have served said 2½ years of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution only to obtain emergency medical or psychiatric services unavailable at said institution or to engage in employment pursuant to a work release program. Section 87 of chapter 276 shall not apply to any person charged with a violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued without a finding.

SECTION 4. Said section 23 of said chapter 90 of the General Laws, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding this section or any other general or special law to the contrary, any person convicted of operating a motor vehicle after such person's license or right to operate his been revoked for life, or after notice of such lifetime revocation of the right to operate a motor vehicle has been issued and received by such person or by such person's agent or employer, such person shall be punished by a fine of not less than $5,000 and by imprisonment in a house of correction for not less than 1 year nor more than 2 ½ years or in state prison for not less than 2 ½ years nor more than 5 years; provided, however, that any person who operates a motor vehicle in violation of paragraph (a) of subdivision (1) of section 24, sections 24G or 24L, subsection (a) of section 8 of chapter 90B, sections 8A or 8B of chapter 90B or section 13½ of chapter 265, while said person's license or right to operate has been revoked for life, or after notice of such lifetime revocation of the right to operate a motor vehicle has been issued and received by such person or by such person's agent or employer, such person shall be punished by a fine of not less than $10,000 and by imprisonment in state prison for not less than 3 years nor more than 10 years. Sentences imposed pursuant to this paragraph shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from the sentence for good conduct until the defendant shall have served 5 years of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution only to obtain emergency medical or psychiatric services unavailable at said institution or to engage in employment pursuant to a work release

program. Section 87 of chapter 276 shall not apply to any person charged with a violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued without a finding.

SECTION 5. Section 24 of said chapter 90 of the General Laws, as so appearing, is hereby amended by striking, in line 145, the word “five”, and inserting in place thereof the following word:- “ten”.