

HOUSE No. 2291

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, 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 repeat drunk driving offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/19/2017</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>	<i>2/3/2017</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>3/14/2018</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>3/14/2018</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/3/2017</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>3/14/2018</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>3/14/2018</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>3/14/2018</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>3/14/2018</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>3/14/2018</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>3/14/2018</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>3/14/2018</i>

HOUSE No. 2291

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2291) of Bradley H. Jones, Jr., and others relative to repeat offenders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1414 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to repeat drunk driving offenders.

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. Subdivision (1) of section 24 of chapter 90 of the General Laws, as
2 appearing in the 2014 Official Edition, is hereby amended by inserting, in line 63, after the
3 words “has served thirty days of such sentence” the following words:- provided, further, that
4 any such probation, parole, or furlough shall consist of not less than 30 days of community
5 service.

6 SECTION 2. Said subdivision (1) of section 24 of said chapter 90 is hereby amended by
7 inserting at the end of the fourth paragraph of subparagraph (1) of paragraph (a) the following
8 paragraph:-

9 A mandatory condition of any probation or parole that may be ordered as a result of this
10 paragraph is that the offender shall have an alcohol assessment conducted by the department of

11 public health. The assessment shall include, but need not be limited to, an assessment of the level
12 of the offender's addiction to alcohol or drugs, and the department's recommended course of
13 treatment. Such assessment shall be reported to the offender's probation or parole officer, and the
14 recommendations contained therein shall become a mandatory condition of his probation or
15 parole. No person shall be excluded from an assessment or recommended course of treatment for
16 inability to pay, if the offender files an affidavit of indigency or inability to pay with the court,
17 investigation by the probation or parole officer confirms such indigency or establishes that such
18 payment would cause a grave and serious hardship to the offender or his family, and the court
19 enters written findings thereof. The department of public health may make such rules and
20 regulations as are necessary to accomplish the intent of this assessment.

21 SECTION 3. Said subdivision (1) of section 24 of said chapter 90 is hereby amended by
22 inserting in line 95, after the words "he shall have served one hundred and fifty days of such
23 sentence" the following words:- provided, further, that any such probation, parole, or furlough
24 shall consist of not less than 60 days of community service.

25 SECTION 4. Said subdivision (1) of section 24 of said chapter 90 is hereby amended by
26 inserting at the end of the fifth paragraph of subparagraph (1) of paragraph (a) the following
27 paragraph:-

28 A mandatory condition of any probation or parole that may be ordered as a result of this
29 paragraph is that the offender shall have an alcohol assessment conducted by the department of
30 public health. The assessment shall include, but need not be limited to, an assessment of the level
31 of the offender's addiction to alcohol or drugs, and the department's recommended course of
32 treatment. Such assessment shall be reported to the offender's probation or parole officer, and the

33 recommendations contained therein shall become a mandatory condition of his probation or
34 parole. No person shall be excluded from said assessment or recommended course of treatment
35 for inability to pay, if the offender files an affidavit of indigency or inability to pay with the
36 court, the investigation by the probation or parole officer confirms such indigency or establishes
37 that such payment would cause a grave and serious hardship to the offender or his family, and
38 the court enters written findings thereof. The department of public health may make such rules
39 and regulations as are necessary to accomplish the intent of this assessment.

40 SECTION 5. Said subdivision (1) of section 24 of said chapter 90 is hereby amended by
41 striking out “nor more than five years;” in lines 123 through 124, and inserting in place thereof:-
42 nor more than seven years;

43 SECTION 6. Said subdivision (1) of section 24 of said chapter 90 is hereby amended by
44 inserting in line 128, after the words “has served twelve months of such sentence” the following
45 words:- provided, further, that any such probation, parole, or furlough shall consist of not less
46 than 60 days of community service.

47 SECTION 7. Said subdivision (1) of section 24 of said chapter 90 is hereby amended by
48 inserting at the end of the sixth paragraph of subparagraph (1) of paragraph (a) the following
49 paragraph:-

50 A mandatory condition of any probation or parole that may be ordered as a result of this
51 paragraph is that the offender shall have an alcohol assessment conducted by the department of
52 public health. The assessment will include, but need not be limited to, an assessment of the level
53 of the offender’s addictions to alcohol or drugs, and the department’s recommended course of
54 treatment. Such assessment shall be reported to the offender’s probation or parole officer, and the

55 recommendations contained therein shall become a mandatory condition of his probation or
56 parole. No person shall be excluded from said assessment or recommended course of treatment
57 for inability to pay, provided that the offender files an affidavit of indigency or inability to pay
58 with the court, that investigation by the probation or parole officer confirms such indigency or
59 establishes that such payment would cause a grave and serious hardship to the offender or his
60 family, and that the court enters written findings thereof. The department of public health may
61 make rules and regulations as are necessary to accomplish the intent of this assessment.

62 SECTION 8. Said subdivision (1) of section 24 of said chapter 90 is hereby further
63 amended by striking out “nor more than five years;” in lines 155 through 156, and inserting in
64 place thereof:- nor more than ten years.

65 SECTION 9. Said subdivision (1) of section 24 of said chapter 90 is hereby further
66 amended by inserting after the words “have served twenty-four months of such sentence” in lines
67 160 through 161, the following words:- provided, further, that any such probation, parole, or
68 furlough shall consist of not less than 60 days of community service.

69 SECTION 10. Said subdivision (1) of section 24 of said chapter 90 is hereby further
70 amended by inserting at the end of the seventh paragraph of subparagraph (1) of paragraph (a)
71 the following paragraph:-

72 A mandatory condition of any probation or parole that may be ordered as a result of this
73 paragraph is that the offender shall have an alcohol assessment conducted by the department of
74 public health. The assessment will include, but need not be limited to, an assessment of the level
75 of the offender’s addictions to alcohol or drugs, and the department’s recommended course of
76 treatment. Such assessment shall be reported to the offender’s probation or parole officer, and the

77 recommendations contained therein shall become a mandatory condition of his probation or
78 parole. No person shall be excluded from said assessment or recommended course of treatment
79 for inability to pay, provided that the offender files an affidavit of indigency or inability to pay
80 with the court, that investigation by the probation or parole officer confirms such indigency or
81 establishes that such payment would cause a grave and serious hardship to the offender or his
82 family, and that the court enters written findings thereof. The department of public health may
83 make rules and regulations as are necessary to accomplish the intent of this assessment.

84 SECTION 11. Said section 24 of said chapter 90 is hereby further amended by adding at
85 the end thereof the following:-

86 Notwithstanding the provisions of any section of this chapter, any person who after being
87 administered the chemical test set forth in this section and such evidence indicates that the
88 percentage was fifteen one hundredths or more and the person is before the court for the first
89 time for such offense, upon conviction the court shall order an alcohol assessment conducted by
90 the department of public health. The assessment will include, but need not be limited to, an
91 assessment of the level of the offender's addictions to alcohol or drugs, and the department's
92 recommended course of treatment. No person shall be excluded from said assessment or
93 recommended course of treatment for inability to pay, provided that the offender files an
94 affidavit of indigency or inability to pay with the court, that investigation by the probation or
95 parole officer confirms such indigency or establishes that such payment would cause a grave and
96 serious hardship to offender or his family, and that the court enters written findings thereof. The
97 department of public health may make such rules and regulations as are necessary to accomplish
98 the intent of this assessment.

99 SECTION 12. Chapter 90 is hereby amended by inserting after section 24X, the
100 following section:-

101 Section 24Y. (a) Whoever, upon any way or in any place to which members of the public
102 has a right to access, or upon any way or in any place to which members of the public have
103 access as invitees or licensees, operates a motor vehicle with a percentage of weight, of alcohol
104 in his blood of eight-one hundredths or greater, or while under the influence of intoxicating
105 liquor, or of marijuana, narcotic drugs, depressants or stimulant substances or the vapors of glue,
106 in violation of sections 24, 24G or 24L, while a child under the age of 14 is in the vehicle, shall
107 be punished by imprisonment in the house of correction for not more than 6 months and a fine of
108 not more than \$10,000.

109 (b) In accordance with section 8A of chapter 279, such sentence shall begin from and
110 after the expiration of the sentence for violation of said sections 24, 24G or 24L.

111 (c) The registrar may extend, for an additional 2 months, any suspension or revocation of
112 a license or right to operate imposed for violation of said sections 24, 24G or 24L, on any person
113 that violates this section.