

SENATE No. 2087

Senate, June 15, 2017 -- Message from His Excellency the Governor recommending legislation relative to recidivist drunk drivers

The Commonwealth of Massachusetts



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June 14, 2017

To the Honorable Senate,

The General Laws provide that a prosecutor may ask a judge to hold a defendant without bail, based on dangerousness, in a criminal case involving “a third or subsequent conviction for a violation of” our laws punishing operating a motor vehicle under the influence (OUI). Until a recent Supreme Judicial Court ruling, many prosecutors and judges believed that this language authorized judges to detain dangerous people who have been twice convicted of OUI and face a third charge for the same conduct. These are individuals who have not been deterred by the mandatory minimum penalties associated with a second conviction for OUI and for whom there is probable cause to believe they have committed a third offense.

However, earlier this month, the Supreme Judicial Court decided that the law “is ambiguous such that the rule of lenity necessitates an interpretation requiring three, and not two, prior OUI convictions.” We should resolve this ambiguity in favor of public safety, rather than in favor of recidivist drunk drivers. Accordingly, I am submitting for your consideration “An Act Protecting the Commonwealth from Recidivist Drunk Drivers.” This legislation is short, but its impact in potential saved lives cannot be measured.

I urge your prompt enactment of this legislation

Respectfully submitted,

Charles D. Baker,
Governor

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

An Act protecting the commonwealth from recidivist 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:

- 1 SECTION 1. Section 58A of chapter 276 of the General Laws, as appearing in the 2016
- 2 Official Edition, is hereby amended by striking out, in lines 16 to 17, the words conviction for a.