

SENATE No. 941

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 to properly punish the solicitation of felony crimes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/3/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/7/2017</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>3/20/2017</i>

SENATE No. 941

By Mr. Rush, a petition (accompanied by bill, Senate, No. 941) of Michael F. Rush, Linda Dean Campbell and Paul McMurtry for legislation to prohibit solicitation of a felony. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 899 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act to properly punish the solicitation of felony crimes.

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 274 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by adding after section 7 the following section: -

3 Section 8. Whoever solicits, counsels, advises, or otherwise entices another to commit a
4 crime that may be punished by imprisonment in the state prison and who intends that the person,
5 in fact, commit or procure the commitment of the crime alleged shall, except as otherwise
6 provided, be punished as follows:

7 First, by imprisonment for not more than 20 years in the state prison or for not more than
8 2½ half years in a jail or house of correction, or by a fine of not more than \$10,000, or by both
9 such fine and imprisonment, if the intent of the solicitation, counsel, advice or enticement is a
10 crime punishable by imprisonment for life.

11 Second, by imprisonment for not more than 10 years in the state prison or for not more
12 than 2½ years in a jail or house of correction, or by a fine of not more than \$10,000, or by both
13 such fine and imprisonment, if the intent of the solicitation, counsel, advice or enticement is a
14 crime punishable by imprisonment in the state prison for 10 years or more.

15 Third, by imprisonment for not more than 5 years in the state prison or for not more than
16 2½ years in a jail or house of correction, or by a fine of not more than \$5,000, or by both such
17 fine and imprisonment, if the intent of the solicitation, counsel, advice or enticement is a crime
18 punishable by imprisonment in the state prison for 5 years or more.

19 Fourth, by imprisonment for not more 2½ years in a jail or house of correction, or by a
20 fine of not more than \$2,000, or by both such fine and imprisonment, if the intent of the
21 solicitation, counsel, advice or enticement is a crime punishable by imprisonment in the state
22 prison for less than 5 years.

23 If a person is convicted of a crime of solicitation, counsel, advice or enticement for which
24 crime the penalty is expressly set forth in any other section of the General Laws, the provisions
25 of this section shall not apply to said crime and the penalty therefor shall be imposed pursuant to
26 the provisions of such other section.