

SENATE No. 976

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 violent crime.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------|----------------------------|-----------------|
| <i>James E. Timilty</i> | <i>Bristol and Norfolk</i> | |
| <i>Paul Tucker</i> | <i>7th Essex</i> | <i>2/3/2017</i> |

SENATE No. 976

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 976) of James E. Timilty and Paul Tucker for legislation relative to violent crime. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 948 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to violent crime.

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 52 of Chapter 119 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended in line 13 by inserting after the word “committed,” the
3 following words:--“while under the age of seventeen, murder in violation of section one of
4 chapter two hundred sixty-five; or”

5 SECTION 2. Section 54 of Chapter 119, as so appearing, is hereby amended in line 15
6 by inserting after the second paragraph the following new paragraph:--

7 “The commonwealth may proceed by complaint in juvenile court or in a juvenile session
8 of a district court, as the case may be, or by indictment as provided by chapter two hundred and
9 seventy-seven, if a person while under the age of seventeen is alleged to have committed an
10 offense in violation of section one of chapter two hundred and sixty-five.”

11 SECTION 3. Section 72B of Chapter 119, as so appearing, is hereby amended by
12 inserting at the beginning thereof the following:--

13 “If a person is found guilty or adjudicated delinquent by reason of murder in the first
14 degree committed before his fourteenth birthday under the provisions of section one of chapter
15 two hundred and sixty-five, the person shall be sentenced to 20 years with possibility of parole
16 after 15 years; or if found guilty or adjudicated delinquent by reason of murder in the second
17 degree, the person shall be sentenced to 15 years with possibility of parole after 10 years in
18 accordance with section fifty-eight of chapter one hundred nineteen.”

19 SECTION 4. Chapter 265 of the General Laws is hereby amended by inserting after
20 section 15F the following section:-

21 Section 15G. Any person who, with the intent that another commit murder, solicits,
22 counsels, advises or otherwise entices another to commit murder shall be punished by
23 imprisonment in the state prison for not more than 20 years, or by imprisonment in the house of
24 correction for not more than 2½ years and a fine of not more than \$1,000.

25 SECTION 5. Chapter 279 of the General Laws, as so appearing, is hereby amended by
26 striking out Section 24 and inserting in its place the following: -

27 Section 24. If a convict is sentenced to the state prison, except as a habitual criminal, the
28 court shall not fix the term of imprisonment, but shall fix a maximum and a minimum term for
29 which he may be imprisoned. The maximum term shall not be longer than the longest term fixed
30 by law for the punishment of the crime of which he has been convicted, and the minimum term
31 shall be a term set by the court, except that, where an alternative sentence to a house of
32 correction is permitted for the offense, a minimum state prison term may not be less than one

33 year. In the case of a sentence to life imprisonment, except in the case of a sentence for murder
34 in the first degree, and in the case of multiple life sentences arising out of separate and distinct
35 incidents that occurred at different times, where the second offense occurred subsequent to the
36 first conviction, the court shall fix a minimum term which shall not be less than 15 years nor
37 more than 25 years. In the case of a sentence for murder in the first degree imposed upon a
38 person who has been designated pursuant to subsection (b) of section two of chapter two hundred
39 and sixty-five as eligible for parole, the court shall fix a minimum term which shall not be less
40 than 35 years.