HOUSE DOCKET, NO. 3787 FILED ON: 1/18/2019

HOUSE . . . . . No. 3254

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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 crimes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Tackey Chan	*2nd Norfolk*	*1/18/2019*
Michael Morrissey	*Office of the Norfolk District Attorney, 45 Shawmut Road Canton, MA 02021*	*1/18/2019*

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HOUSE . . . . . No. 3254

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3254) of Tackey Chan and Michael Morrissey relative to certain violent crimes. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to violent crimes.

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. Section 52 of Chapter 119 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended in line 14 by inserting after the word "committed," the following words:- "while under the age of eighteen, murder in violation of section one of chapter two hundred sixty-five; or"

SECTION 2. Section 54 of Chapter 119, as so appearing, is hereby amended in line 16 by inserting after the second paragraph the following new paragraph:-

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

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

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

SECTION 4. Chapter 279 of the General Laws, as so appearing, is hereby amended by striking out Section 24 and inserting in its place the following:-

Section 24. If a convict is sentenced to the state prison, except as a habitual criminal, the court shall not fix the term of imprisonment, but shall fix a maximum and a minimum term for which he may be imprisoned. The maximum term shall not be longer then the longest term fixed by law for the punishment of the crime of which he has been convicted, and the minimum term shall be a term set by the court, except that, where an alternative sentence to a house of correction is permitted for the offense, a minimum state prison term may not be less than one year. In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and in the case of multiple life sentences arising out of separate and distinct incidents that occurred at different times, where the second offense occurred subsequent to the first conviction, the court shall fix a minimum term which shall not be less than 15 years nor more than 25 years. In the case of a sentence for murder in the first degree imposed upon a person who has been designated pursuant to subsection (b) of section two of chapter two hundred and sixty-five as eligible for parole, the court shall fix a minimum term which shall not be less than 35 years.