HOUSE DOCKET, NO. 2219 FILED ON: 1/17/2019

HOUSE . . . . . No. 3344

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Bradley H. Jones, Jr.	*20th Middlesex*	*1/17/2019*
Bradford Hill	*4th Essex*	*1/24/2019*
Elizabeth A. Poirier	*14th Bristol*	*1/17/2019*
Susan Williams Gifford	*2nd Plymouth*	*1/17/2019*
Paul K. Frost	*7th Worcester*	*1/30/2019*
Todd M. Smola	*1st Hampden*	*1/31/2019*
Donald H. Wong	*9th Essex*	*1/31/2019*
David K. Muradian, Jr.	*9th Worcester*	*2/1/2019*
Randy Hunt	*5th Barnstable*	*1/28/2019*
Steven S. Howitt	*4th Bristol*	*1/30/2019*
Shawn Dooley	*9th Norfolk*	*1/30/2019*
Michael J. Soter	*8th Worcester*	*1/31/2019*
F. Jay Barrows	*1st Bristol*	*1/31/2019*
Kimberly N. Ferguson	*1st Worcester*	*1/31/2019*
Alyson M. Sullivan	*7th Plymouth*	*1/31/2019*
Hannah Kane	*11th Worcester*	*2/1/2019*
Bruce E. Tarr	*First Essex and Middlesex*	*2/1/2019*

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HOUSE . . . . . No. 3344

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 3344) of Bradley H. Jones, Jr., and others to repeat drunk driving offenders. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to repeat drunk driving.

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. Subdivision (1) of section 24 of chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in lines 62 through 63, after the words "has served thirty days of such sentence;" the following words:- provided, further, that any such probation, parole, or furlough shall consist of not less than 30 days of community service;

SECTION 2. Said subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby further amended by inserting at the end of the fourth paragraph of subparagraph (1) of paragraph (a) the following paragraph:-

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

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

SECTION 3. Said subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby further amended by inserting in lines 94 through 95, after the words "he shall have served one hundred and fifty days of such sentence;" the following words:- provided, further, that any such probation, parole, or furlough shall consist of not less than 60 days of community service;

SECTION 4. Said subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby further amended by inserting at the end of the fifth paragraph of subparagraph (1) of paragraph (a) the following paragraph:-

A mandatory condition of any probation or parole that may be ordered as a result of this paragraph is that the offender shall have an alcohol assessment conducted by the department of public health. The assessment shall include, but need not be limited to, an assessment of the level of the offender's addiction to alcohol or drugs, and the department's recommended course of treatment. Such assessment shall be reported to the offender's probation or parole officer, and the recommendations contained therein shall become a mandatory condition of his probation or parole. No person shall be excluded from said assessment or recommended course of treatment

for inability to pay, if the offender files an affidavit of indigency or inability to pay with the court, the investigation by the probation or parole officer confirms such indigency or establishes that such payment would cause a grave and serious hardship to the offender or his family, and the court enters written findings thereof. The department of public health may make such rules and regulations as are necessary to accomplish the intent of this assessment.

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

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

SECTION 7. Said subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby further amended by inserting at the end of the sixth paragraph of subparagraph (1) of paragraph (a) the following paragraph:-

A mandatory condition of any probation or parole that may be ordered as a result of this paragraph is that the offender shall have an alcohol assessment conducted by the department of public health. The assessment will include, but need not be limited to, an assessment of the level of the offender’s addictions to alcohol or drugs, and the department’s recommended course of treatment. Such assessment shall be reported to the offender’s probation or parole officer, and the recommendations contained therein shall become a mandatory condition of his probation or parole. No person shall be excluded from said assessment or recommended course of treatment

for inability to pay, provided that the offender files an affidavit of indigency or inability to pay with the court, that investigation by the probation or parole officer confirms such indigency or establishes that such payment would cause a grave and serious hardship to the offender or his family, and that the court enters written findings thereof. The department of public health may make rules and regulations as are necessary to accomplish the intent of this assessment.

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

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

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

A mandatory condition of any probation or parole that may be ordered as a result of this paragraph is that the offender shall have an alcohol assessment conducted by the department of public health. The assessment will include, but need not be limited to, an assessment of the level of the offender’s addictions to alcohol or drugs, and the department’s recommended course of treatment. Such assessment shall be reported to the offender’s probation or parole officer, and the recommendations contained therein shall become a mandatory condition of his probation or parole. No person shall be excluded from said assessment or recommended course of treatment

for inability to pay, provided that the offender files an affidavit of indigency or inability to pay with the court, that investigation by the probation or parole officer confirms such indigency or establishes that such payment would cause a grave and serious hardship to the offender or his family, and that the court enters written findings thereof. The department of public health may make rules and regulations as are necessary to accomplish the intent of this assessment.

SECTION 11. Said section 24 of said chapter 90, as so appearing, is hereby further amended by adding at the end thereof the following:-

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

SECTION 12. Said chapter 90, as so appearing, is hereby further amended by inserting after section 24X, the following section:-

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

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

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