

SENATE No. 1022

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 habitual drunk drivers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------|----------------------------------|-----------------|
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>2/1/2019</i> |

SENATE No. 1022

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1022) of Bruce E. Tarr and David Allen Robertson for legislation relative to habitual drunk drivers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 959 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to habitual 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. Subsection (b) of Section 12 of Chapter 90 of the General Laws is hereby
2 amended by striking, in line 9, the figure “\$500”, and inserting in place thereof the following:-
3 “\$1,000”; and

4 further, by striking, in line 10, the figure “\$1,000”, and inserting in place thereof the
5 following :-“\$2,000”.

6 SECTION 2. Subsection (c) of said Section 12 of said Chapter 90 of the General Laws is
7 hereby further amended by striking, in line 17, the figure “\$500”, and inserting in place thereof
8 the following:-“ \$1,000”; and

9 further, by striking, in line 18, the figure “\$1,000”, and inserting in place thereof the
10 following:- “2,000”.

11 SECTION 3. Section 23 of Chapter 90 of the General Laws is hereby amended by
12 inserting after the word “finding.”, in line 118, the following paragraph:-

13 If the defendant has been previously convicted or assigned to an alcohol or controlled
14 substance education, treatment, or rehabilitation program by a court of the commonwealth or any
15 other jurisdiction because of one or more like violations of the preceding paragraph preceding
16 the date of the commission of the offense, the defendant shall be punished by a fine of not less
17 than \$5,000 and imprisonment in the house of correction for not less than 2 years nor more than
18 2 ½ years by imprisonment in the state prison for not less than 2½ years nor more than 5 years,
19 with said sentence to be served consecutively to and not concurrent with any other sentence or
20 penalty. Such sentence shall not be suspended, nor shall any such person be eligible for
21 probation, parole, or furlough or receive any deduction from the sentence for good conduct until
22 the defendant shall have served said 2½ years of such sentence; provided, however, that the
23 commissioner of correction may, on the recommendation of the warden, superintendent or other
24 person in charge of a correctional institution, or of the administrator of a county correctional
25 institution, grant to an offender committed under this paragraph a temporary release in the
26 custody of an officer of such institution only to obtain emergency medical or psychiatric services
27 unavailable at said institution or to engage in employment pursuant to a work release program.
28 Section 87 of chapter 276 shall not apply to any person charged with a violation of this
29 paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued
30 without a finding.

31 SECTION 4. Said Section 23 of said Chapter 90 of the General Laws, as so appearing, is
32 hereby further amended by adding the following paragraph:-

33 Notwithstanding this section or any other general or special law to the contrary, any
34 person convicted of operating a motor vehicle after such person's license or right to operate his
35 been revoked for life, or after notice of such lifetime revocation of the right to operate a motor
36 vehicle has been issued and received by such person or by such person's agent or employer, such
37 person shall be punished by a fine of not less than \$5,000 and by imprisonment in a house of
38 correction for not less than 1 year nor more than 2 ½ years or in state prison for not less than 2 ½
39 years nor more than 5 years; provided, however, that any person who operates a motor vehicle in
40 violation of paragraph (a) of subdivision (1) of section 24, sections 24G or 24L, subsection (a) of
41 section 8 of chapter 90B, sections 8A or 8B of chapter 90B or section 13½ of chapter 265, while
42 said person's license or right to operate has been revoked for life, or after notice of such lifetime
43 revocation of the right to operate a motor vehicle has been issued and received by such person or
44 by such person's agent or employer, such person shall be punished by a fine of not less than
45 \$10,000 and by imprisonment in state prison for not less than 3 years nor more than 10 years.
46 Sentences imposed pursuant to this paragraph shall not be suspended, nor shall any such person
47 be eligible for probation, parole, or furlough or receive any deduction from the sentence for good
48 conduct until the defendant shall have served 5 years of such sentence; provided, however, that
49 the commissioner of correction may, on the recommendation of the warden, superintendent or
50 other person in charge of a correctional institution, or of the administrator of a county
51 correctional institution, grant to an offender committed under this paragraph a temporary release
52 in the custody of an officer of such institution only to obtain emergency medical or psychiatric
53 services unavailable at said institution or to engage in employment pursuant to a work release
54 program. Section 87 of chapter 276 shall not apply to any person charged with a violation of this

55 paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued
56 without a finding.

57 SECTION 5. Section 24 of said Chapter 90 of the General Laws, as so appearing, is
58 hereby amended by striking, in line 145, the word “five”, and inserting in place thereof the
59 following word:- “ten”.