SENATE DOCKET, NO. 1879 FILED ON: 1/18/2019

SENATE . . . . . No. 2123

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 penalties for operation of motor vehicles after unlawful removal of an ignition interlock device.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	*Second Worcester*	
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/29/2019*
Hannah Kane	*11th Worcester*	*1/31/2019*

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SENATE . . . . . No. 2123

By Mr. Moore, a petition (accompanied by bill, Senate, No. 2123) of Michael O. Moore, Patrick M. O'Connor and Hannah Kane for legislation relative to penalties for operation of motor vehicles after unlawful removal of an ignition interlock device. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2002* OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to penalties for operation of motor vehicles after unlawful removal of an ignition interlock device.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 24S of Chapter 90 is hereby amended by striking paragraph (b) and inserting in place thereof the following new paragraphs:-

(b) Whoever, upon any way or place to which the public has a right of access, or upon any way or place to which members of the public have access as invitees or licensees, operates a motor vehicle after his license to operate has been revoked by reason of his having been found to have removed a certified ignition interlock device, as provided in section 24 ½, shall be punished by fine of not less than $1,000 nor more than $15,000 and by imprisonment for not less than 180 days nor more than 2 1/2 years or by a fine of not less than $1,000 nor more than $15,000 and by imprisonment in the state prison for not less than 2 1/2 years nor more than 5 years. The sentence

imposed upon such person shall not be reduced to less than 150 days, nor suspended, nor shall any such person be eligible for probation, parole or furlough or receive any deduction from his sentence for good conduct until he shall have served 150 days of such sentence. The commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at that institution; to engage in employment pursuant to a work release program; or for the purposes of an aftercare program designed to support the recovery of an offender who has completed an alcohol or controlled substance education, treatment or rehabilitation program operated by the department of correction. The defendant may serve all or part of such 150-day sentence, to the extent such resources are available, in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of drinking drivers.

(c) For the purposes of this section the term “certified ignition interlock device” shall mean an alcohol breath screening device that prevents a vehicle from starting if it detects a blood alcohol concentration over a preset limit of.02 or 20 mg of alcohol per 100 ml of blood.