

HOUSE No. 3945

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes and Liz Miranda

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 to provide equitable sentencing for felony murder.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/20/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/20/2023</i>

HOUSE No. 3945

By Representative Holmes of Boston and Senator Miranda, a joint petition (accompanied by bill, House, No. 3945) of Russell E. Holmes and Liz Miranda relative to sentencing for felony murder. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to provide equitable sentencing for felony murder.

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. Chapter 265 of the General Laws is hereby amended by striking out section
2 1 and inserting in place thereof the following section:-

3 Section 1. (a) Murder committed with deliberately premeditated malice aforethought, or
4 with extreme atrocity or cruelty is murder in the first degree. Murder which does not appear to be
5 in the first degree is murder in the second degree. Petit treason shall be prosecuted and punished
6 as murder. The degree of murder shall be found by the jury.

7 (b) Whenever a death occurs in the commission or attempted commission of a crime
8 punishable with death or imprisonment for life, unless there is a showing of deliberately
9 premeditated malice aforethought, extreme atrocity or cruelty, whoever is found to have
10 committed or attempted to commit such crime shall be punished by imprisonment in the state
11 prison for a term of no less than 15 years nor more than 25 years to life.

12 SECTION 2. Notwithstanding any other provision of law, subsection (b) of section 1
13 shall apply to any person charged or convicted with murder in the first degree prior to, on or after
14 the effective date of this act.