

HOUSE No. 3962

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 regarding joint venture.

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. 3962

By Representative Holmes of Boston and Senator Miranda, a joint petition (accompanied by bill, House, No. 3962) of Russell E. Holmes and Liz Miranda for legislation to provide equitable sentencing for felony and joint venture murder. The Judiciary.

The Commonwealth of Massachusetts

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

An Act regarding joint venture.

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. Section 1 of chapter 265 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out in, in lines 3 and 4, the words "or in the
3 commission or attempted commission of a crime punishable with death or imprisonment for
4 life,".

5 SECTION 2. Said section 1 of said section 265, as so appearing, is hereby further
6 amended by inserting after the second sentence the following sentence:- Where a killing occurs
7 during the commission or attempted commission of a crime punishable with imprisonment for
8 life, the killing shall amount to murder for a principal perpetrator who is personally and directly
9 responsible for committing the killing and acts with the same malice forethought towards the
10 killing as is required for a killing to amount to murder when not done in the course or furtherance
11 of another offense.

12 SECTION 3. Chapter 274 of the General Laws, as so appearing, is hereby amended by
13 striking out section 2 and inserting in place thereof the following section:-

14 Section 2. Whoever aids in the commission of a felony, or is accessory thereto
15 before the fact by counselling, hiring or otherwise procuring such felony to be committed, shall
16 be punished in the manner provided for the punishment of the principal felon; provided,
17 however, that in the event of a killing resulting during the commission or attempted commission
18 of a felony, the killing shall amount to murder in the first degree only for a principal perpetrator
19 who is personally and directly responsible for committing the killing and acts with the same
20 malice forethought towards the killing as is required for a killing to amount to murder when not
21 done in the course or furtherance of another offense.

22 Whoever aids in the commission of a killing or is accessory thereto before the fact
23 by counseling, hiring, or otherwise procuring such killing to be committed but is not a principal
24 perpetrator who is personally and directly responsible for committing the killing, shall be
25 punished by imprisonment in the state prison for a period of not less than 2 and 1/2 years nor
26 more than 25 years.

27 SECTION 4. Notwithstanding any other provision of law, sections 1 and 2 shall apply to
28 any person charged or convicted with murder prior to, on or after the effective date of this act.

29 SECTION 5. Notwithstanding any other provision of law, section 3 shall apply to any
30 person charged or convicted with aiding in the commission of a killing or who is accessory
31 thereto before the fact by counseling, hiring, or otherwise procuring such killing to be committed
32 prior to, on or after the effective date of this act.