

HOUSE No. 1928

The Commonwealth of Massachusetts

PRESENTED BY:

Francisco E. Paulino and Frank A. Moran

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 accomplice and joint venture criminal liability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Francisco E. Paulino</i>	<i>16th Essex</i>	<i>1/9/2025</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/15/2025</i>

HOUSE No. 1928

By Representatives Paulino of Methuen and Moran of Lawrence, a petition (accompanied by bill, House, No. 1928) of Francisco E. Paulino and Frank A. Moran relative to accomplice and joint venture criminal liability. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to accomplice and joint venture criminal liability.

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.

2 Chapter 274 of the General Laws, as appearing in the 2020 Official Edition, is hereby
3 amended by striking out Section 2 and inserting in place thereof the following section:

4 Section 2. A person shall only be held criminally liable as an accomplice if the
5 prosecution proves beyond a reasonable doubt that:

- 6 a. The person knowingly and voluntarily participated in the commission of the offense.
- 7 b. The person had specific intent to facilitate or promote the criminal act.
- 8 c. The person committed an act that was substantial and directly connected to the
- 9 commission of the offense, not merely incidental or peripheral.

10 Physical presence at the scene of the crime shall not, by itself, establish accomplice
11 liability unless the individual's presence:

12 a. Was intended to aid, abet, or encourage the principal offender.

13 b. Provided substantial assistance to the commission of the crime.

14 Constructive presence (e.g., serving as a lookout or getaway driver) shall suffice only if
15 the individual had prior knowledge of the principal's intent and their actions were integral to the
16 crime.

17 SECTION 2. Chapter 265 of the General Laws, as appearing in the 2020 Official Edition,
18 is hereby amended by striking out Section 1 and inserting in place thereof the following section:

19 Section 1. Where a killing occurs during the commission or attempted commission of a
20 crime punishable with imprisonment for life, the killing shall amount to first-degree murder only
21 for a principal perpetrator who is personally and directly responsible for committing the killing
22 and acts with malice aforethought.

23 Accomplices who aid in the commission of a killing or are accessories before the fact but
24 are not personally and directly responsible for the killing shall face imprisonment of 2.5 to 25
25 years.

26 SECTION 3. Judges shall consider the following factors when sentencing accomplices:

27 a. The level of involvement in the crime.

28 b. Whether the accomplice's actions resulted in harm or were peripheral to the offense.

29 The Massachusetts Sentencing Commission shall develop non-binding guidelines to
30 assist judges in applying this provision.

31 SECTION 4. Any person who knowingly aids a principal offender after the commission
32 of a felony, with the intent to hinder arrest or prosecution, shall be charged as an accessory after
33 the fact and face imprisonment for up to 10 years or a fine of up to \$5,000.

34 Penalties for accessories after the fact shall be reduced if:

35 a. The individual's actions did not involve violence or obstruction of justice.

36 b. Their assistance was minor or coerced.

37 SECTION 5. The provisions of Sections 1 and 2 shall apply retroactively to all
38 individuals charged or convicted of murder or aiding in the commission of a killing before, on, or
39 after the effective date of this Act.

40 The provisions of Section 4 shall apply retroactively to all individuals charged or
41 convicted as accessories after the fact.

42 Individuals seeking relief under this Act shall file a petition with the sentencing court for
43 re-evaluation of charges or sentences.

44 SECTION 6. Judges shall receive updated guidance on the application of proportional
45 sentencing standards and mitigating factors.

46 SECTION 7. Five years after the effective date of this Act, the Executive Office of Public
47 Safety and Security shall conduct a review of its impact. A report shall be submitted to the
48 General Court, detailing:

- 49 a. Sentencing outcomes under the revised standards.
- 50 b. Judicial interpretations of the new provisions.
- 51 c. Recommendations for further improvements, if necessary.