

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marcus S. Vaughn

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 require restitution for a child whose parent is killed by a drunk driver.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|--------------------|-----------------|
| <i>Marcus S. Vaughn</i> | <i>9th Norfolk</i> | <i>1/8/2025</i> |

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to require restitution for a child whose parent is killed by a drunk driver.

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 13 ½ of Chapter 265 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting the following subsection:-

3 “(a) The court shall order a defendant convicted of vehicular homicide while intoxicated
4 resulting in the death of a parent or guardian to pay restitution to the victim’s surviving children.

5 (1) The court shall determine an amount to be paid monthly for the support of the
6 child until the child reaches the age of 18 or graduates high school, whichever comes later.

7 (2) The defendant shall not be required to pay restitution under this article to an
8 individual who is 19 years of age or older, unless the individual pursues higher education where
9 the defendant shall be required to pay restitution until the individual reaches the age of 22 or
10 graduates from a higher education program, whichever comes first.

11 (3) The court shall determine an amount for restitution that is reasonable and
12 necessary to support the child, considering all relevant factors including: the financial needs and

13 resources of the child; the financial needs and resources of the surviving parent or guardian; the
14 standard of living to which the child is accustomed; the physical and emotional condition of the
15 child and the child's educational needs; the child's physical and legal custody arrangements; and
16 the reasonable, work-related child care expenses of the surviving parent or guardian, if
17 applicable.

18 (b) The order shall require restitution payments to be made to the surviving parents or
19 guardian.

20 (c) If a defendant ordered to pay restitution under this article is unable to make the
21 required restitution payments due to incarceration, the defendant shall begin payments no later
22 than 1 year following their release. The defendant may enter into a payment plan to address any
23 arrearage that exists on the date of the defendant's release.