

HOUSE No. 4736

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 protecting the public from street takeovers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>10/8/2025</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>10/14/2025</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>11/14/2025</i>

HOUSE No. 4736

By Representative Markey of Dartmouth, a petition (subject to Joint Rule 12) of Christopher M. Markey and Steven George Xiarhos for legislation to establish penalties for reckless or negligent operation of a vehicle and hindering the movement of other vehicles. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to protecting the public from street takeovers.

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 24 of chapter 90, as appearing in the 2024 official Edition, is hereby
2 amended by inserting after subparagraph 3(c) the following subparagraphs:

3 “(d) Whoever upon any way or in any place to which the public has a right of access, or
4 any place to which members of the public have access as invitees or licensees whether the
5 business or commercial property is opened or closed to the public operates in a reckless or
6 negligent manner and hinders the movement of other vehicles on such ways with a group of two
7 or more other vehicles shall be punishable in the house of correction for not more than two and
8 one half years, and a not more than a fine of two thousand dollars. No person shall be placed on
9 a continuance without a finding for a violation of this subsection.

10 (e) Upon a conviction or adjudication by reason of a violation of subsection (d), or any
11 combination thereof, a motor vehicle or recreation vehicle, as defined by sections 1 and 20 of
12 Chapter 90, used in the commission of such violation or violations shall be subject to forfeiture.

13 (f) A district attorney or the attorney general may petition the superior or district court in
14 the name of the Commonwealth in the nature of a proceeding in rem to order forfeiture of such
15 motor vehicle or recreation vehicle. The petition shall be filed in the court having jurisdiction
16 over the criminal proceeding brought under this section. The proceeding shall be deemed a civil
17 suit in equity. In all such actions in which the motor vehicle or recreation vehicle is jointly
18 owned before the date of the violation committed by the defendant by either a parent, spouse,
19 child, grandparent, brother, sister or parent of the spouse living in the defendant's household, the
20 commonwealth shall have the burden of proving to the court the existence of probable cause to
21 institute the action.

22 (g) The court shall order the commonwealth to give notice by certified or registered mail
23 to the owners of the motor vehicle or recreation vehicle and to such other persons or entities who
24 appear to have an interest therein, and the court shall promptly, but not less than 2 weeks after
25 notice, hold a hearing on the petition.

26 Upon the motion of an owner of the motor vehicle or recreation vehicle, the court may
27 continue the hearing on the petition pending the outcome of a criminal trial related to the
28 violation. During the pendency of the proceedings, the court may issue at the request of the
29 commonwealth ex-parte any preliminary order or process as is necessary to seize or secure the
30 property for which forfeiture is sought and to provide for its custody. Process for seizure of the
31 property shall issue only upon a showing of probable cause, and the application therefor and the
32 issuance, execution and return thereof shall be subject to chapter 276, as applicable.

33 (h) At a hearing under this section, the court shall hear evidence and make findings of
34 fact and conclusions of law and shall issue a final order from which the parties shall have such

35 right of appeal as from a decree in equity. No forfeiture under this section shall extinguish a
36 perfected security interest held by a creditor in the property at the time of the filing of the
37 forfeiture action. In all actions where a final order results in forfeiture, the final order shall
38 provide for disposition of the property by the commonwealth or any subdivision thereof in any
39 manner not prohibited by law, including official use by an authorized law enforcement or other
40 agency, or at sale at public auction or by competitive bidding, with the sale being conducted by
41 the office of the district attorney or the attorney general that obtained the final order of forfeiture.

42 (i) The final order of the court shall provide that the proceeds of any such sale shall be
43 used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance
44 of custody, advertising and notice, and all proceeds shall be deposited into the General Fund of
45 the municipality in which such crime was committed.

46 (j) Any moneys and proceeds received by a municipality pursuant to this section may be
47 expended without further appropriation to defray the costs of investigations, to provide
48 additional technical equipment or expertise, to provide matching funds to obtain federal grants or
49 to accomplish such other law enforcement, environmental or public recreational purposes as the
50 head of such division, department or office deems appropriate, but such funds shall not be
51 considered a source of revenue to meet the operating needs of such division, department or
52 office.”

53 SECTION 2. Section 53 of chapter 272, as appearing in the 2024 official Edition, is
54 hereby amended by inserting after subsection (b) the following subsection:

55 “(c) Disorderly persons and disturbers of the peace while masked shall be punished by
56 imprisonment in a house of correction for not more than 1 year or by a fine of not more than
57 \$500 or by both such fine and imprisonment.”