HOUSE DOCKET, NO. 4047 FILED ON: 9/20/2011

HOUSE . . . . . No. 3768

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn and James T. Welch

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 homicide by motor vehicle.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Finn	*6th Hampden*
James T. Welch	

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By Mr. Finn of West Springfield and Senator Welch, a joint petition (subject to Joint Rule 12) of Michael J. Finn and James T. Welch relative to vehicular homicide while under the influence of an intoxicating substance. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to homicide by motor vehicle.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out Section 24G (a) as appearing in the 2008 Official Edition, and inserting in place thereof the section:-

Section 24G. (a) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue, and so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes the death of another person, shall be guilty of homicide by a motor vehicle while under the influence of an intoxicating substance, and shall be punished by imprisonment in the state prison for not less than five years or more than fifteen years and a fine of not more than five thousand dollars, or by imprisonment in a jail or house of correction for not

14 less than two and a half years and a fine of not more than five thousand dollars. The sentence
15 imposed upon such person shall not be reduced to less than two and a half years, nor suspended,
16 nor shall any person convicted under this subsection be eligible for probation, parole, or furlough
17 or receive any deduction from his sentence until such person has served at least two and a half
18 years of such sentence; provided, however, that the commissioner of correction may, on the
19 recommendation of the warden, superintendent, or other person in charge of a correctional
20 institution, or the administrator of a county correctional institution, grant to an offender
21 committed under this subsection a temporary release in the custody of an officer of such
22 institution for the following purposes only: to attend the funeral of a relative; to visit a critically
23 ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or
24 to engage in employment pursuant to a work release program. Prosecutions commenced under
25 this section shall neither be continued without a finding nor placed on file.

26 The provisions of section eighty-seven of chapter two hundred and seventy-six, shall not
27 apply to any person charged with a violation of this subsection.

28 SECTION 2. Said chapter 90 is hereby further amended by striking out subsection (b)
29 and inserting in place thereof the section:-

30 (b) Whoever, upon any way or in any place to which the public has a right of access or
31 upon any way or in any place to which members of the public have access as invitees or
32 licensees, operates a motor vehicle with a percentage, by weight, of alcohol in their blood of
33 eight one-hundredths or greater, or while under the influence of intoxicating liquor, or of
34 marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of
35 chapter ninety-four C, or the vapors of glue, or whoever operates a motor vehicle recklessly or

36 negligently so that the lives or safety of the public might be endangered and by any such

37 operation causes the death of another person, shall be guilty of homicide by a motor vehicle and

38 shall be punished by imprisonment in a jail or house of correction for not less two and one-half

39 years, and by a fine of not less than three hundred nor more than three thousand dollars.