

HOUSE No. 3663

By Mr. Caron of Springfield, petition of Paul E. Caron relative to establishing mandatory penalties for motor vehicle operators leaving the scene of an accident. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO ESTABLISHING MANDATORY PENALTIES FOR MOTOR VEHICLE OPERATORS LEAVING THE SCENE OF AN ACCIDENT.

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

1 Chapter 90 of the General Laws, as appearing in the 1984
2 Official Edition, is hereby amended by deleting in Section 24,
3 subdivision (2), paragraph (a) after the word "away" (line 420)
4 and ending with the word "property" (line 421) and inserting in
5 its place the following: —
6 "to avoid prosecution or evade apprehension after knowingly
7 colliding with or otherwise causing the death of any person shall
8 be punished by imprisonment in the state prison for not less than
9 two and one-half years nor more than ten years and by a fine of
10 not less than one thousand dollars nor more than five thousand
11 dollars, or by imprisonment in a jail or house of correction for
12 not less than one year nor more than two and one-half years and
13 by a fine of not less than one thousand dollars nor more than five
14 thousand dollars. The sentence imposed upon such person shall
15 not be reduced to less than one year, nor suspended, nor shall
16 any person convicted under this subsection be eligible for
17 probation, parole, or furlough or receive any deduction from his
18 sentence until such person has served at least one year of such
19 sentence; provided, however, that the commissioner of correction
20 may, on the recommendation of the warden, superintendent, or
21 other person in charge of a correctional institution, or the
22 administrator of a county correctional institution, grant to an
23 offender committed under this subsection a temporary release in

24 the custody of an officer of such institution for the following
25 purposes only: to attend the funeral of a relative; to visit a critically
26 ill relative; to obtain emergency medical or psychiatric services
27 unavailable at said institution; or to engage in employment
28 pursuant to a work release program; and whoever operates a
29 motor vehicle upon any way or in any place to which members
30 of the public have access as invitees or licensees, and, without
31 stopping and making known his name, residence, and the register
32 number of his motor vehicle, goes away after knowingly colliding
33 with or otherwise causing injury to any person shall be punished
34 by imprisonment for not less than six months nor more than two
35 years and by a fine of not less than five hundred dollars nor more
36 than one thousand dollars. Prosecutions commenced under this
37 subsection shall neither be continued without a finding nor placed
38 on file;.