

By Mr. Karol of Attleboro, petition of Stephen J. Karol and other members of the General Court relative to further defining homicide by motor vehicle. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT FURTHER DEFINING 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:

1 Section twenty-four G of chapter ninety of the General Laws, as
2 most recently amended by chapter two hundred and twenty-seven
3 of the acts of nineteen hundred and seventy-six, is hereby further
4 amended by striking out said section and inserting in place thereof
5 the following section: —

6 *Section 24G.* (1) (a). Whoever, upon any way or in any place to
7 which the public has a right of access, or upon any way or in any
8 place to which members of the public have access as invitees or
9 licensees, operates a motor vehicle in violation of paragraph (a) of
10 subdivision (1) of section twenty-four of chapter ninety and so
11 operates a motor vehicle recklessly or negligently so that the lives
12 or safety of the public might be endangered, and by any such
13 operation so described causes the death of another person, shall be
14 guilty of homicide by a motor vehicle while under the influence of
15 an intoxicating substance and shall be punished by imprisonment
16 in the state prison for not more than ten years or a fine of not more
17 than five thousand dollars, or both, or by imprisonment in a jail or
18 house of correction for not more than two and one half years or a
19 fine of not more than five thousand dollars, or both.

20 (b). Whoever, upon any way or in any place to which the public
21 has a right of access, or upon any way or in any place to which
22 members of the public have access as invitees or licensees, operates
23 a motor vehicle recklessly or negligently so that the lives or safety

24 of the public might be endangered, and by any such operation so
 25 described causes the death of another person, shall be guilty of
 26 homicide by a motor vehicle and shall be punished by imprison-
 27 ment in a jail or house of correction for not less than thirty days
 28 nor more than two and one half years, or by a fine of not less than
 29 three hundred nor more than three thousand dollars, or both.