

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four

AN ACT RELATIVE TO THE OFFENSE OF OPERATING A MOTOR VEHICLE WHILE HAVING TEN ONE HUNDREDTHS OR MORE BY WEIGHT OF ALCOHOL IN ONE'S BLOOD.

**SENATE . . . . . No. 2152**

**The Commonwealth of Massachusetts**

SENATE, MAY 24, 1984.

The committee on Ways and Means, to whom was committed the Senate bill to improve the administration of the drunk driving law (Senate, No. 2106), reports, in part, a "Bill relative to the office of operating a motor vehicle while having ten one hundredths or more, by weight, of alcohol in one's blood" (Senate, No. 2152).

For the Committee

ANNA P. BUCKLEY

## The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE OFFENSE OF OPERATING A MOTOR VEHICLE WHILE HAVING TEN ONE HUNDREDTHS OR MORE, BY WEIGHT, OF ALCOHOL IN ONE'S BLOOD.

*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 is hereby amended by in-  
2 serting after section 24J the following section: —

3 Section 24K. (a) Whoever, upon any way or in any place to  
4 which the public has a right of access, or upon any way or in  
5 any place to which members of the public have access as in-  
6 vites or licensees, operates a motor vehicle while the per-  
7 centage, by weight, of alcohol in his blood, as shown by  
8 chemical test or analysis of his blood or by chemical test or  
9 analysis of his breath, is ten one hundredths or more, shall be  
10 prosecuted and punished in the same manner, for first and  
11 subsequent offenses, as provided for violations of paragraph  
12 (a) of subdivision (1) of section twenty-four of this chapter.

13 (b) A previous conviction or assignment to an alcohol educa-  
14 tion or rehabilitation program by a court of the commonwealth  
15 for violation either of this section or of said paragraph (a) of  
16 subdivision (1) of section twenty-four shall be deemed to be  
17 a like violation or a like offense for the purpose of applying  
18 the provisions of said paragraph (a) in any subsequent pros-  
19 ecution for either offense.

20 (c) The provisions of sections twenty-three, twenty-four D,  
21 twenty-four E and twenty-four J, and subdivisions (1) and (3)  
22 of section twenty-four of this chapter, shall apply to any defen-  
23 dant arrested for, charged with or convicted of a violation of  
24 this section in the same manner as if he had been arrested for,  
25 charged with or convicted of a violation of said paragraph (a)  
26 of subdivision (1) of section twenty-four.

27 (d) Nothing contained herein shall prevent a defendant from  
28 being charged with violating both this section and said  
29 paragraph (a) of subdivision (1) of section twenty-four; pro-  
30 vided, however, that no person may be separately punished  
31 for both offenses based on the same underlying occurrence.