

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 172) of Martin T. Reilly for legislation to provide for the establishment of 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 Eighty-Eight.

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 331)
4 and ending with the word "years." (line 334) and inserting in its
5 place the following: — "to avoid prosecution or evade
6 apprehension after knowingly colliding with or otherwise causing
7 the death of any person shall be punished by imprisonment in the
8 state prison for not less than two and one-half years nor more
9 than ten years and by a fine of not less than one thousand dollars
10 nor more than five thousand dollars, or by imprisonment in a jail
11 or house of correction for not less than one year nor more than
12 two and one-half years and by a fine of not less than one thousand
13 dollars nor more than five thousand dollars. The sentence imposed
14 upon such person shall not be reduced to less than one year, nor
15 suspended, nor shall any person convicted under this subsection
16 be eligible for probation, parole, or furlough or receive any
17 deduction from his sentence until such person has served at least
18 one year of such sentence; provided, however, that the
19 commissioner of correction may, on the recommendation of the
20 warden, superintendent, or other person in charge of a
21 correctional institution, or the administrator of a county

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