

HOUSE No. 6344

Substituted by the House, on motion of Mr. Flaherty of Boston, for a bill with the same title (House, No. 4883). May 26.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE JURISDICTION OF OFFENSES.

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 1. Section 26 of chapter 218 of the General Laws, as
2 most recently amended to chapter 470 of the acts of 1981, is hereby
3 further amended by striking out, in line 13, the words "and forty-
4 nine" and inserting in place thereof the words: — forty-nine and
5 one hundred and twenty-seven.

1 SECTION 2. Chapter 266 of the General Laws is hereby
2 amended by striking out section 127, as amended by chapter 544 of
3 the acts of 1978, and inserting in place thereof the following
4 section: —

5 *Section 127.* Whoever destroys or injures the personal proper-
6 ty, dwelling house or building of another in any manner or by any
7 means not particularly described or mentioned in this chapter
8 shall, if such destruction or injury is wilful and malicious, be
9 punished by imprisonment in the state prison for not more than ten
10 years or by a fine of three thousand dollars or three times the value
11 of the property so destroyed or injured, whichever is greater and
12 imprisonment in jail for not more than two and one-half years; or if
13 such destruction or injury is wanton, shall be punished by a fine of
14 fifteen hundred dollars or three times the value of the property so
15 destroyed or injured, whichever is greater, or by imprisonment for
16 not more than two and one-half years; if the value of the property

17 so destroyed or injured is not alleged to exceed one hundred
 18 dollars, the punishment shall be by a fine of three times the value of
 19 the damage or injury to such property or by imprisonment for not
 20 more than two and one-half months; provided, however, that
 21 where a fine is levied pursuant to the value of the property des-
 22 troyed or injured, the court shall, after conviction, conduct an
 23 evidentiary hearing to ascertain the value of the property so des-
 24 troyed or injured.

The Commission on the Judiciary

is the Law that the House has passed and signed

As it relates to the jurisdiction of the courts

It is hereby declared to be the policy of the State to
maintain the highest quality of the judiciary and to
provide for the most efficient and economical

SECTION 1. Section 25 of chapter 216 of the General Laws is hereby
 amended to read as follows: "25. Any person who shall be
 found guilty of a crime punishable by imprisonment for not more than
 two and one-half months, or by a fine of not more than one hundred
 dollars, and who shall be found to have destroyed or injured property
 the value of which exceeds the value of the property so destroyed or
 injured, shall be liable to a fine of three times the value of the property
 so destroyed or injured, or to imprisonment for not more than two and
 one-half months, or to both such fine and imprisonment."

SECTION 2. Chapter 216 of the General Laws is hereby
 amended by adding subsection 27, to read as follows: "27. Any person
 who shall be found guilty of a crime punishable by imprisonment for not
 more than two and one-half months, or by a fine of not more than one
 hundred dollars, and who shall be found to have destroyed or injured
 property the value of which exceeds the value of the property so
 destroyed or injured, shall be liable to a fine of three times the value
 of the property so destroyed or injured, or to imprisonment for not
 more than two and one-half months, or to both such fine and imprison-
 ment."

SECTION 3. Chapter 216 of the General Laws is hereby
 amended by adding subsection 28, to read as follows: "28. Any person
 who shall be found guilty of a crime punishable by imprisonment for not
 more than two and one-half months, or by a fine of not more than one
 hundred dollars, and who shall be found to have destroyed or injured
 property the value of which exceeds the value of the property so
 destroyed or injured, shall be liable to a fine of three times the value
 of the property so destroyed or injured, or to imprisonment for not
 more than two and one-half months, or to both such fine and imprison-
 ment."