

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 6, 1925.

The committee on Bills in the Third Reading, to whom were referred the Senate amendments of the Bill providing for imprisonment as the sole punishment for second or subsequent offences of operating motor vehicles while under the influence of intoxicating liquor (House, No. 1254), report recommending that the House concur with the Senate in its amendments, with further amendments striking out all after the enacting clause, and inserting in place thereof the following sections:—

SECTION 1. Chapter ninety of the General Laws, as amended in section twenty-four by chapter one hundred and eighty-three of the acts of nineteen hundred and twenty-four and by section three of chapter two hundred and one of the acts of nineteen hundred and twenty-five, is hereby further amended by striking out said section twenty-four and inserting in place thereof the following:—

Section 24. Whoever upon any way operates a motor vehicle recklessly, or while under the influence of intoxicating liquor, or so that the lives or safety of the public might be endangered, or upon a bet or wager or in a race, or whoever operates a motor vehicle for the purpose of making a record and thereby violates any provision of section seventeen or any regulation under section eighteen, or whoever without stopping and making known his name, residence and the number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any other vehicle or property, or whoever uses a motor vehicle without authority, or whoever loans or knowingly permits his license to operate motor vehicles to be used by another person, or whoever makes false statements in an application for such a license or falsely impersonates the person named in such

an application, or procures such false impersonation, whether of himself or of another, shall be punished by a fine of not less than twenty nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both; except that for an offence of operating a motor vehicle while under the influence of intoxicating liquor committed within a period of six years immediately following his final conviction of a like offence by a court or magistrate of the commonwealth, a person shall be punished by imprisonment for not less than one month nor more than two years. Before an officer issues a complaint or draws an indictment against a person for operating a motor vehicle while under the influence of intoxicating liquor, he shall communicate with the office of the registrar of motor vehicles and if it appears that such person has been finally convicted of a like offence by a court or magistrate of the commonwealth within a period of six years immediately preceding the commission of the offence of which he stands charged, the complaint or indictment shall contain an averment to that effect which shall specify such court or magistrate and the date of such conviction. Any person who operates a motor vehicle upon any way and who, without stopping and making known his name, residence and the number of his motor vehicle, goes away after knowingly colliding with or otherwise causing injury to any person, shall be punished by imprisonment for not less than one month nor more than two years. A conviction of a violation of this section shall be reported forthwith by the court or magistrate to the registrar, who may in any event and shall, unless the court or magistrate recommends otherwise, revoke immediately the license of the person so convicted, and no appeal from the judgment shall operate to stay the revocation of the license. If it appears by the records of the registrar that the person so convicted is the owner of a motor vehicle or has exclusive control of any motor vehicle as a manufacturer or dealer, the registrar may revoke the certificate of registration of any or all motor vehicles so owned or exclusively controlled. The registrar in his discretion may issue a new license to any person acquitted in the appellate court, or after an investi-

gation or upon hearing may issue a new license to a person convicted in any court; provided, that no new license shall be issued by the registrar to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor until one year after the date of final conviction, if for a first offence, or five years after any subsequent conviction, and to any person convicted of violating any other provision of this section until sixty days after the date of final conviction, if for a first offence, or one year after the date of any subsequent conviction. The prosecution of any person for operating a motor vehicle while under the influence of intoxicating liquor, if the offence is committed within a period of six years immediately following his final conviction of a like offence by a court or magistrate of the commonwealth, shall not in any event be placed on file or otherwise disposed of except by trial, judgment and sentence according to the regular course of criminal proceedings, nor shall the execution of the sentence for such later offence be suspended. The prosecution for the violation of any other provision of this section, if a second or subsequent offence, shall not, unless the interests of justice require such disposition, be placed on file or otherwise disposed of except by trial, judgment and sentence according to the regular course of criminal proceedings; and such a prosecution shall be otherwise disposed of only on motion in writing, stating specifically the reasons therefor, and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the reasons relied upon are sufficient and that the interests of justice require the allowance of the motion, the motion shall be allowed, and the certificate shall be filed in the case. A copy of the motion and certificate shall be sent by the court or magistrate forthwith to the registrar.

SECTION 2. Section one of chapter two hundred and seventy-nine of the General Laws, as amended by section one of chapter one hundred and seventy-five of the acts of nineteen hundred and twenty-four, is hereby further amended by adding at the end thereof the following new paragraph:—

The provisions of this section shall not permit the suspension of the execution of the sentence of a person convicted

of operating a motor vehicle while under the influence of intoxicating liquor if such offence was committed within a period of six years immediately following his final conviction of a like offence by a court of magistrate of the commonwealth

And in the title inserting before the word "second" the word "certain", and that when so amended the same will be correctly drawn.

For the committee,

THOMAS C. CROWTHER.