

By Mr. Vellucci of Cambridge, petition of Peter A. Vellucci relative to the penalty for larceny. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO LARCENY.

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 30 of chapter 266 as appearing in the 1990 Official
2 Edition of the Massachusetts General Laws is hereby deleted and
3 the following section is inserted in its place: —

4 Section 30. (1) Whoever steals, or with intent to defraud obtains
5 by a false pretence, or whoever unlawfully, and with intent to steal
6 or embezzle, converts, or secretes with intent to convert, the
7 property of another as defined in this section, whether such
8 property is or is not in his possession at the time of such conversion
9 or secreting, shall be guilty of larceny, and shall, if the property
10 stolen is a firearm as defined in section one hundred and twenty-
11 one of chapter one hundred and forty, or, if the value of the
12 property stolen exceeds two hundred and fifty dollars, be punished
13 by imprisonment in the state prison for not more than five years,
14 or by a fine of not more than twenty-five thousand dollars and
15 imprisonment in jail for not more than two years; or, if the value
16 of the property stolen, other than a firearm as so defined, does
17 not exceed two hundred and fifty dollars, shall be punished by
18 imprisonment in jail for not more than one year or by a fine of
19 not more than three hundred dollars; or, if the property was stolen
20 from the conveyance of a common carrier or of a person carrying
21 on an express business, shall be punished for the first offence by
22 imprisonment for not less than six months nor more than two and
23 one-half years, or by a fine of not less than fifty nor more than
24 six hundred dollars, or both, and for a subsequent offence, by

25 imprisonment for not less than eighteen months nor more than
26 two and one-half years, or by a fine of not less than one hundred
27 and fifty nor more than six hundred dollars, or both.

28 (2) The term "property", as used in the section, shall include
29 money, personal chattels, a bank note, bond, promissory note,
30 bill of exchange or other bill, order or certificate, a book of
31 accounts for or concerning money or goods due or to become due
32 or to be delivered, a deed or writing containing a conveyance of
33 land, any valuable contract in force, a receipt, release or
34 defeasance, a writ, process, certificate of title or duplicate
35 certificate issued under chapter one hundred and eighty-five, a
36 public record, anything which is of the realty or is annexed thereto,
37 a security deposit received pursuant to section fifteen B of chapter
38 one hundred and eighty-six, electronically processed or stored
39 data, either tangible or intangible, data while in transit and any
40 domesticated animal, including dogs, or a beast or bird which is
41 ordinarily kept in confinement.

42 (3) "obtain" means: (a) in relation to property, to bring about
43 a transfer or purported transfer of a legal interest in the property,
44 whether to the obtainer or another; or (b) in relation to labor or
45 service, to secure performance thereof.

46 (4) The stealing of real property may be a larceny from one or
47 more tenants, sole, joint or in common, in fee, for life or years,
48 at will or sufferance, mortgagors or mortgagees, in possession of
49 the same, or who may have an action of tort against the offender
50 for trespass upon the property, but not from one having only the
51 use or custody thereof. The larceny may be from a wife in
52 possession, if she is authorized by law to hold such property as
53 if sole, otherwise her occupation may be the possession of the
54 husband. If such property which was of a person deceased is
55 stolen, it may be a larceny from any one or more heirs, devisees,
56 reversioners, remaindermen or others, who have a right upon such
57 decease to take possession, but not having entered, as it would
58 be after entry. The larceny may be from a person whose name
59 is unknown, if it would be such if the property stolen were
60 personal, and may be committed by those who have only the use
61 or custody of the property, but not by a person against whom
62 no action of tort could be maintained for acts like those
63 constituting the larceny.

64 (5) Whoever steals, or with intent to defraud obtains by a false
65 pretense, or whoever unlawfully, and with intent to steal or
66 embezzle, converts, secretes, unlawfully takes, carries away,
67 conceals or copies with intent to convert any trade secret of
68 another, regardless of value, whether such trade secret is or is not
69 in his possession at the time of such conversion or secreting, shall
70 be guilty of larceny, and shall be punished by imprisonment in
71 the state prison for not more than five years, or by a fine of not
72 more than twenty-five thousand dollars and imprisonment in jail
73 for not more than two years. The term "trade secret" as used in
74 this paragraph means and includes anything tangible or intangible
75 or electronically kept or stored, which constitutes, represents,
76 evidences or records a secret scientific, technical, merchandising,
77 production or management information, design, process,
78 procedure, formula, invention or improvement.

