

HOUSE No. 5374

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

March 12, 1992

To the Honorable Senate and House of Representatives:

We are filing for your consideration the attached legislative proposal, entitled "An Act Relative To The Penalties For Motor Vehicle Theft And Unauthorized Use Of A Motor Vehicle".

Our proposal not only increases the penalties for motor vehicle theft and the unauthorized use of a motor vehicle, it also establishes minimum mandatory terms of imprisonment for second and subsequent offenses and mandatory community service for first time offenders who often go unpunished in our present system. It is necessary to increase the penalties for the commission of auto theft not only to serve as an appropriate measure of punishment but as a deterrent as well.

We urge your speedy and favorable action on this bill.

Sincerely,

Handwritten signature of William F. Weld in cursive.

William F. Weld
Governor

Handwritten signature of Argeo Paul Cellucci in cursive.
Argeo Paul Cellucci
Lieutenant Governor

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PENALTIES FOR MOTOR VEHICLE THEFT AND UNAUTHORIZED USE OF A MOTOR VEHICLE.

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 24 of chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out lines 431 to 446 inclusive and inserting in place thereof
4 the following: — whoever uses a motor vehicle without authority
5 knowing that such use is unauthorized shall, for the first offense
6 be punished by a fine of not less than fifty dollars nor more than
7 five hundred dollars or by imprisonment in a jail or house of
8 correction for not less than thirty days nor more than two years,
9 or both. A prosecution commenced under this proviso for a first
10 offense shall not be placed on file or continued without a finding;
11 provided, however, that if no term of imprisonment is imposed
12 the defendant shall be required to perform a minimum term of
13 sixty days of community service; and any person convicted of
14 violating this proviso after a prior conviction of use of a motor
15 vehicle without authority or motor vehicle theft as provided for
16 in section twenty-eight of chapter two hundred and sixty-six shall
17 be punished by imprisonment in the state prison for not more than
18 five years or in a house of correction for not less than ninety days
19 nor more than two and one half years, or by a fine of not more
20 than one thousand dollars, or by both such fine and imprison-
21 ment. No sentence imposed under this proviso for a second offense
22 shall be reduced to less than ninety days imprisonment, nor shall
23 any sentence imposed upon any person be suspended or reduced
24 until such person shall have served ninety days; and whoever is
25 found guilty of a third or subsequent offense of such use without
26 authority or motor vehicle theft as provided for in section twenty-
27 eight of chapter two hundred and sixty-six committed within five
28 years of the earliest of his two most recent prior offenses shall

29 be punished by a fine of not less than two hundred dollars nor
30 more than one thousand dollars or by imprisonment for not less
31 than one year nor more than two and one half years in a house
32 of correction or for not less than two and one half years nor more
33 than five years in the state prison or by both fine and
34 imprisonment. No sentence imposed under this proviso for a third
35 or subsequent offense committed within five years shall be reduced
36 to less than one year, or shall any sentence imposed upon any
37 person be suspended or reduced until such person shall have
38 served one year; and whoever operates a.

1 SECTION 2. Subdivision (a) of section 28 of chapter 266 of
2 the General Laws, as so appearing, is hereby amended by striking
3 out the third paragraph and inserting in place thereof the
4 following paragraph: —

5 A prosecution commenced under this subdivision shall not be
6 placed on file or continued without a finding; provided, however,
7 that if no term of imprisonment is imposed the defendant shall
8 be required to perform a minimum term of sixty days of
9 community service. Any person convicted of violating this section
10 after one or more prior convictions of motor vehicle theft or use
11 of a motor vehicle without authority as provided for in paragraph
12 (a) of subdivision (2) of section twenty-four of chapter ninety shall
13 be punished by imprisonment in the state prison for not more than
14 fifteen years or by imprisonment in a jail or house of correction
15 for not less than one year nor more than two and one half years
16 or by a fine of not more than fifteen thousand dollars, or by both
17 such fine and imprisonment. No sentence imposed under the
18 provisions of this subdivision for a second or subsequent offense
19 shall be reduced to less than one year imprisonment, nor shall any
20 sentence imposed upon any person be suspended or reduced, until
21 such person shall have served one year; and whoever operates a.

