HOUSE . . . . . No. 6247

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 12, 1985.

The committee on Criminal Justice, to whom was referred the petition (accompanied by bill, House, No. 4213) of the Massachusetts Hotel-Motel Association relative to the penalty for defrauding an innkeeper, reports recommending that the accompanying bill (House, No. 6247) ought to pass.

For the committee,

SALVATORE F. DiMASI

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO DEFRAUDING AN INNKEEPER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 140, Section 12 of the General Laws is hereby amended by striking the first sentence of said section and inserting in place thereof the following sentence: —

Whoever puts up a hotel, motel, inn, lodging house or boarding house and, without having an express agreement for credit, procures food, entertainment or accommodation without paying therefor, and with intent to cheat or defraud the owner or keeper thereof; or, with such intent, obtains credit at a hotel, motel, inn, lodging house or boarding house for such food, entertainment or accommodation by means of any false show of baggage or effects brought thereto; or with such intent, removes or causes to be removed any baggage or effects from a hotel, motel, or inn while a lien exists thereon for the proper charges due from him for fare and board furnished therein, shall, if the value of food, entertainment or accommodation exceeds one hundred dollars, be punished by imprisonment in a jail or house of correction for not more than two years, or by a fine of not more than six hundred dollars, or if the value of the food, entertainment or accommodation does not exceed one hundred dollars, shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars; and whoever, without having an express agreement for credit, procures food or beverage from a common victualler without paying therefor and with intent to cheat or defraud shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months.

SECTION 2. Chapter 231, Sec. 94B of the General Laws is hereby deleted and the following paragraph is inserted in place thereof:

4 In an action for false arrest or false imprisonment brought by
5 any person by reason of having been detained for questioning on or
6 in the immediate vicinity of the premises of a merchant or an
7 innkeeper, if such person was detained in a reasonable manner and
8 for not more than a reasonable length of time by a person author-
9 ized to make arrests or by the merchant or innkeeper or his agent
10 or servant authorized for such purpose and if there were reasonable
11 grounds to believe that the person so detained was committing or
12 attempting to commit a violation of section thirty A of chapter two
13 hundred and sixty, or section twelve of chapter one hundred and
14 forty, or was committing or attempting to commit larceny of goods
15 for sale on such premises or larceny of the personal property of
16 employees or customers or others present on such premises, it shall
17 be a defense to such action.