

SENATE No. 200

By Mr. O'Brien (by request), a petition (accompanied by bill, Senate, No. 200) of Al Donovan for legislation to establish a conclusive presumption for the crime of vehicular homicide. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH A CONCLUSIVE PRESUMPTION FOR THE CRIME OF
VEHICULAR HOMICIDE.

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 24G of Chapter 90 of the General Laws, as it appears in
2 the 1994 Official Edition, is hereby amended by adding the
3 following paragraph at the end thereof:—

4 (d) Any person who, while committing a felony in a vehicle, or
5 is leaving the scene in a vehicle after having committed a felony,
6 whether such person is the operator of the vehicle or an accom-
7 plice to the crime and is in such vehicle, causes injury or death to
8 any person by such vehicle, including any person attempting to
9 apprehend or prevent his escape, shall, if the person is injured, be
10 conclusively presumed to have intended to assault and beat such
11 person by means of a dangerous weapon. If the person is killed or
12 dies as a result of injuries incurred, the operator or accomplice in
13 said vehicle shall be conclusively presumed to have intended to
14 murder such person. Punishment shall be imposed according to
15 the statutory provisions for the punishment of such crimes and put
16 into effect with the condition of there being no parole, furlough,
17 or early release for any reason.

