

**SENATE . . . . . No. 218**

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By Ms. Walsh, a petition (accompanied by bill, Senate, No. 218) of Marian Walsh for legislation relative to penalties for causing death or serious bodily injury during the course of an escape or attempted escape. Criminal Justice.

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**The Commonwealth of Massachusetts**

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

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AN ACT PROVIDING PENALTIES FOR CAUSING THE DEATH OR SERIOUS BODILY INJURY DURING THE COURSE OF ESCAPE OR ATTEMPTED ESCAPE.

*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 1 of Chapter 265, as appearing in the  
2 1992 Official Edition, is hereby amended by inserting after the  
3 word "commission" the second time that it appears, in line 3, the  
4 following words: — "of escape from lawful custody, or".

1 SECTION 2. Section 1 of Chapter 265 of the General Laws, as  
2 appearing in the 1992 Official Edition, is hereby amended by  
3 inserting after line 7 the following words: —

4 Any person who commits a murder in the commission or  
5 attempted commission of an escape or an attempted escape from  
6 the custody of the Department of Youth Services or any employee  
7 thereof, or from any courthouse or land appurtenant thereto or  
8 from the custody of any officer of such courthouse, is murder in  
9 the first degree. This provision shall apply to all persons, notwith-  
10 standing the age limitations set forth in General Laws chapter 119,  
11 sections 52 to 84, inclusive.

1 SECTION 3. Section 16 of Chapter 268, as appearing in the  
2 1992 Official Edition, is hereby amended by adding the following  
3 sections: —

4 Section 16B. Any person who, in the course of escape or  
5 attempt to escape from lawful custody causes serious bodily

6 injury to another, shall be punished by imprisonment in the state  
7 prison for not less than fifteen nor more than twenty-five years.  
8 For purposes of this section “serious bodily injury” shall mean  
9 bodily injury which created a substantial risk of death or which  
10 involves either total disability or the loss or substantial impair-  
11 ment of some bodily function for a substantial period of time.

12 Section 16C. A person who has been committed to the custody  
13 of the Department of Youth Services, or who is held in custody by  
14 said department for a court appearance, who escapes or attempts  
15 to escape from such custody, or from a courthouse or land appur-  
16 tenant thereto, or from the custody of any officer of such court-  
17 house or employee of said department, by force or threat of force,  
18 may be pursued and recaptured and shall be punished by impris-  
19 onment in the state prison for not more than ten years or by  
20 imprisonment in a jail or house of correction for not more than  
21 two and one-half years. This provision shall apply to all persons,  
22 notwithstanding the age limitations set forth in General Laws  
23 chapter 119, sections 52 to 84, inclusive.