

By Ms. Creem, a petition (accompanied by bill, Senate, No. 170) of Cynthia S. Creem, Paul E. Caron, David P. Linsky, Mary Jane Simmons and Barbara Harrington for legislation relative to repeat offenders operating a motor vehicle under the influence of intoxicating alcohol. Criminal Justice.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO REPEAT OFFENDERS OF THE CRIME OF OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL.

*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, as  
2 appearing in the 1998 Official Edition, is hereby amended by  
3 striking out, in lines 28, 58, 92, 126, 201, 208 and 209 the  
4 following words:— “within ten years”

1 SECTION 2. Said section 24 is hereby further amended by  
2 inserting, after line 155, the following paragraph:—

3 Notwithstanding the provisions of paragraphs (a), (c), and (f) of  
4 subdivision (1) of this section, and section twenty-four D of this  
5 chapter, if the defendant has had only one prior conviction or  
6 assignment to an alcohol or controlled substance education, treat-  
7 ment or rehabilitation program by a court of the commonwealth or  
8 any other jurisdiction because of a like offense, and that convic-  
9 tion or assignment to a program occurred 10 or more years before  
10 the date of commission of the charge he is currently facing, he  
11 shall be entitled to a first offender disposition. This second oppor-  
12 tunity at such a first offender disposition may only be offered  
13 once in that person’s lifetime, and only when he is facing a single  
14 new offense. Should a person, after receiving a disposition under  
15 this paragraph, later be convicted of a violation of this section or a  
16 like offense in another jurisdiction, all prior convictions or assign-  
17 ments to an alcohol program by a court of the commonwealth or

18 any other jurisdiction, regardless of their age, shall once again be  
19 counted for all mandatory sentencing purposes pursuant to para-  
20 graphs (a), (c), and (f) of subdivision (1) of this section.

1 SECTION 3. Said section 24 is hereby further amended by  
2 striking out, in lines 191 and 192, the words “within a period of  
3 ten years immediately”.

1 SECTION 4. Said section 24 is hereby further amended by  
2 striking out, in lines 276, 323, 3 52, 3 82, and 409 the words  
3 “within a period of ten years”.