

By Mr. Cahillane of Springfield, petition of Sean Cahillane relative to requiring a mandatory minimum sentence for a first offense of use of a motor vehicle without authority for juvenile delinquents and adults. The Judiciary.

**The Commonwealth of Massachusetts**

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

AN ACT REQUIRING A MANDATORY MINIMUM SENTENCE FOR A FIRST OFFENSE OF USE OF A MOTOR VEHICLE WITHOUT AUTHORITY FOR BOTH A JUVENILE ADJUDGED DELINQUENT AND AN ADULT.

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

1 Subdivision (2) of section 24 of chapter 90 of the General Laws  
2 is hereby amended by striking out paragraph (a), as most recently  
3 amended by section 1 of chapter 156 of the acts of 1975, and  
4 inserting in place thereof the following paragraph: —

5 Whoever upon any way or in any place to which the public has  
6 a right of access, or any place to which members of the public  
7 have access as invitees or licensees, operates a motor vehicle  
8 recklessly, or operates such a vehicle negligently so that the lives  
9 or safety of the public might be endangered, or upon a bet or  
10 wager or in a race, or whoever operates a motor vehicle for the  
11 purpose of making a record and thereby violates any provision of  
12 section seventeen or any regulation under section eighteen, or  
13 whoever without stopping and making known his name,  
14 residence and the register number of his motor vehicle goes away  
15 after knowingly colliding with or otherwise causing injury to any  
16 other vehicle or property, or whoever loans or knowingly permits  
17 his license or learner's permit to operate motor vehicles to be used  
18 by any person, or whoever makes false statements in an  
19 application for such a license or learner's permit, or whoever  
20 knowingly makes any false statement in an application for  
21 registration of a motor vehicle, shall be punished by a fine of not

22 less than twenty dollars nor more than two hundred dollars or by  
23 imprisonment for not less than two weeks nor more than two  
24 years, or both; and whoever uses a motor vehicle without  
25 authority knowing that such use is unauthorized shall, for the  
26 first offense be punished by imprisonment for not less than six  
27 days nor more than two years, and such sentence, imposed upon a  
28 juvenile adjudged delinquent, shall not be reduced to less than six  
29 days in the custody of the department of youth services, nor  
30 suspended, nor shall such juvenile adjudged delinquent be eligible  
31 for probation, and such sentence, imposed upon any other  
32 person, shall not be reduced to less than ten days, nor suspended,  
33 nor shall such person be eligible for probation, and any judge  
34 may order such imprisonment to be served during any such  
35 hours, including weekends, as such judge shall determine; and for  
36 a second offense by imprisonment in the state prison for not more  
37 than five years or in a house of correction for not less than thirty  
38 days nor more than two and one half years, or by a fine of not  
39 more than one thousand dollars, or by both such fine and  
40 imprisonment; and whoever is found guilty of a third or  
41 subsequent offense of such use without authority committed  
42 within five years of the earliest of his two most recent prior  
43 offenses shall be punished by a fine of not less than two hundred  
44 dollars nor more than one thousand dollars or by imprisonment  
45 for not less than six months nor more than two and one half years  
46 in a house of correction or for not less than two and one half  
47 years nor more than five years in the state prison or by both fine  
48 and imprisonment; and whoever operates a motor vehicle upon  
49 any way or in any place to which the public has a right of access,  
50 or upon any way or in any place to which members of the public  
51 have access as invitees or licensees, and, without stopping and  
52 making known his name, residence and the register number of his  
53 motor vehicle, goes away after knowingly colliding with or  
54 otherwise causing injury to any person shall be punished by  
55 imprisonment for not less than two months nor more than two  
56 years.