

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 727-3600

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT-GOVERNOR

April 18, 1997

To the Honorable Senate and House of Representatives:

We are filing today for your consideration the attached legislative proposal entitled "An Act Relative to the Crime of Criminal Solicitation." This bill would codify and establish appropriate penalties for the crime of soliciting another to commit a crime.

Currently, there is no statutory provision for the crime of solicitation. Under the common law, solicitation of criminal conduct has been deemed by our courts to be a misdemeanor only, punishable by imprisonment for no more than two and one-half years in a house of correction. Our legislative proposal recognizes that solicitation is a serious offense. Like the crimes of accessory before the fact and criminal conspiracy, the crime of solicitation deserves serious punishment. Under this bill, the crime of solicitation occurs when an individual, with the purpose of promoting or facilitating the commission of a crime, commands, encourages, requests or offers money or anything of value to induce another person to engage in that crime. The bill would make this offense punishable in a manner consistent with the penalty for the underlying crime.

It is time to update the laws of the Commonwealth dealing with the crime of solicitation. We urge your prompt consideration and passage of this bill.

Respectfully submitted,

*William F. Weld*

William F. Weld  
Governor

*Argo Paul Cellucci*

Argo Paul Cellucci  
Lieutenant Governor

## The Commonwealth of Massachusetts

---

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

---

### AN ACT RELATIVE TO THE CRIME OF CRIMINAL SOLICITATION.

*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. Chapter 274 of the General Laws, as appearing in  
2 the 1994 Official Edition, is hereby amended by adding the  
3 following new section:—

4 Section 8. (a) Whoever, with the purpose of promoting or facili-  
5 tating the commission of any crime, except those crimes listed in  
6 (b) of this section, commands, encourages, requests or offers  
7 money or anything of value as an inducement to another person to  
8 engage in or attempt to commit such crime, shall be subject to the  
9 penalties provided for the punishment of the underlying solicited  
10 crime, provided, however, that criminal solicitation shall not be  
11 subject to mandatory minimum sentencing.

12 (b) Whoever, with the purpose of promoting or facilitating the  
13 commission of murder in the first or second degree in violation of  
14 section one of chapter two hundred and sixty-five; manslaughter  
15 in violation of section thirteen of chapter two hundred sixty-five;  
16 mayhem in violation of section fourteen of chapter two hundred  
17 sixty-five; home invasion in violation of section eighteen C of  
18 chapter two hundred sixty-five; rape in violation of section  
19 twenty-two of chapter two hundred and sixty-five; rape of a child  
20 in violation of section twenty-two A of chapter two hundred and  
21 sixty-five; kidnapping in violation of section twenty-six of chapter  
22 two hundred sixty-five; and armed burglary in violation of section  
23 fourteen of chapter two hundred and sixty-six, commands, encour-  
24 ages, requests or offers money or anything of value as an induce-  
25 ment to another person to engage in or attempt to commit such  
26 crime, shall be subject to the penalties provided for the punish-  
27 ment of the underlying solicited crime, provided, however, that

28 criminal solicitation shall not be subject to mandatory minimum  
29 sentencing.

1 SECTION 2. Section 26 of Chapter 218 of the General Laws,  
2 as most recently amended by section 24 of chapter 450 of the acts  
3 of 1996, is hereby amended by inserting, after the words  
4 “knowing the same to be forged” the following words:— and  
5 section 8a of chapter two hundred seventy-four, criminal sollicita-  
6 tion.

