

HOUSE No. 3730

By Mr. Ruane of Salem, petition of J. Michael Ruane relative to increasing the penalty for the unauthorized use of a motor vehicle from a misdemeanor to a felony. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE PENALTY FOR THE UNAUTHORIZED USE OF A MOTOR VEHICLE FROM A MISDEMEANOR TO A FELONY.

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

6 (2)(a) Whoever upon any way or in any place to which the public
7 has a right of access, or any place to which members of the public
8 have access as invitees or licensees, operates a motor vehicle reck-
9 lessly, or operates such a vehicle negligently so that the lives or
10 safety of the public might be endangered, or upon a bet or wager or
11 in a race, or whoever operates a motor vehicle for the purpose of
12 making a record and thereby violates any provision of section
13 seventeen or any regulation under section eighteen, or whoever
14 without stopping and making known his name, residence and the
15 register number of his motor vehicle goes away after knowingly
16 colliding with or otherwise causing injury to any other vehicle or
17 property, or whoever loans or knowingly permits his license or
18 learner's permit to operate motor vehicles to be used by any person,
19 or whoever makes false statements in an application for such a
20 license or learner's permit, or whoever knowingly makes any false
21 statement in an application for registration of a motor vehicle,
22 shall be punished by a fine of not less than twenty dollars nor more

23 than two hundred dollars or by imprisonment for not less than two
24 weeks nor more than two years, or both; and whoever uses a motor
25 vehicle without authority knowing that such use is unauthorized
26 shall, for the first offense be punished by a fine of not less than one
27 hundred dollars, not more than one thousand dollars or by impris-
28 onment in the state prison for not more than five years, or both,
29 and for a second offense by imprisonment in the state prison for
30 not more than five years or in a house of correction for not less than
31 thirty days nor more than two and one half years, or by a fine of not
32 more than one thousand dollars, or by both such fine and impris-
33 onment; and whoever is found guilty of a third or subsequent
34 offense of such use without authority committed within five years
35 of the earliest of his two most recent prior offenses shall be pun-
36 ished by a fine of not less than two hundred dollars nor more than
37 one thousand dollars or by imprisonment for not less than six
38 months nor more than two and one half years in a house of
39 correction or for not less than two and one half years nor more than
40 five years in the state prison or by both fine and imprisonment; and
41 whoever operates a motor vehicle upon any way or in any place to
42 which the public has a right of access, or upon any way or in any
43 place to which members of the public have access as invitees or
44 licensees, and without stopping and making known his name,
45 residence and the register number of his motor vehicle, goes away
46 after knowingly colliding with or otherwise causing injury to any
47 person shall be punished by imprisonment for not less than two
48 months nor more than two years. A summons may be issued
49 instead of a warrant for arrest upon a complaint for a violation of
50 any provision of this paragraph if in the judgment of the court or
51 justice receiving the complaint there is reason to believe that the
52 defendant will appear upon a summons.

1 SECTION 2. Paragraph (s) of subdivision (2) of section 24 of
2 chapter 90 of the General Laws is hereby amended by striking out
3 the first sentence, as most recently amended by chapter 227 of the
4 acts of 1973, and inserting in place thereof the following sen-
5 tence: —

6 The registrar, after having revoked the license or right to operate
7 of any person under the preceding paragraph of this section, in his

8 discretion may issue a new license or reinstate the right to operate
9 to him, if the prosecution of such person in the superior court has
10 terminated in favor of the defendant, or after an investigation or
11 upon hearing, may issue a new license or reinstate the right to
12 operate to a person convicted in any court of the violation of any
13 provision of paragraph (a) of subdivision (2) of this section; pro-
14 vided, that no new license or right to operate shall be issued by the
15 registrar to any person convicted of going away without stopping
16 and making known his name, residence and the register number of
17 his motor vehicle after having, while operating such vehicle upon
18 any way or in any place to which the public has a right of access, or
19 any place to which members of the public have access as invitees or
20 licensees, knowingly collided with or otherwise caused injury to
21 any person, or to any person adjudged a delinquent child by reason
22 thereof under the provisions of section fifty-eight B of chapter one
23 hundred and nineteen, until one year after the date of revocation
24 following his original conviction or adjudication if for a first
25 offense or until two years after the date of revocation following any
26 subsequent conviction or adjudication, or to any person convicted
27 of using a motor vehicle knowing that such use is unauthorized,
28 until one year after the date of revocation following his original
29 conviction or adjudication if for a first offense or until three years
30 after the date of revocation following any subsequent conviction or
31 adjudication, or to any person convicted of violating any other
32 provision of paragraph (a) of subdivision (2) of this section until six
33 days after the date of revocation following his original conviction if
34 for a first offense, or one year after the date of revocation following
35 any subsequent conviction within a period of three years; and
36 provided further that no new license or right to operate shall be
37 issued by the registrar to any person under the age of eighteen years
38 convicted of using a motor vehicle without authority knowing that
39 such use is unauthorized until such person reaches the age of
40 nineteen years if for a first offense or until five years after the date
41 of revocation following a second subsequent conviction, or until
42 ten years after the date of revocation following a third subsequent
43 conviction.

