

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT GOVERNOR

February 8, 1994

To the Honorable Senate and House of Representatives:

We are filing for your consideration the attached legislative proposal entitled, "An Act Relative To The Obstruction Of Justice."

Although the crime of obstruction of justice has been recognized at common law in the Commonwealth for over 130 years, there is no statutory provision prohibiting the obstruction of justice and, as a result, the crime is rarely charged and prosecuted. Establishing obstruction of justice as a statutory crime would provide a more effective deterrent against the willful concealment or falsification of facts material to a pending criminal investigation.

Under this proposal, obstruction of justice would be punishable by up to five years in state prison or up to two and one-half years in jail, or a fine of up to \$50,000 or both a fine and imprisonment. We must not allow investigations by police officers and prosecutors to be thwarted by such willful interference.

We urge your prompt consideration of this proposal.

Respectfully submitted,

Handwritten signature of William F. Weld in cursive.

William F. Weld  
Governor

Handwritten signature of Argeo Paul Cellucci in cursive.

Argeo Paul Cellucci  
Lieutenant Governor

**The Commonwealth of Massachusetts**

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

## AN ACT RELATIVE TO THE OBSTRUCTION OF JUSTICE.

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

- 1   Whoever gives false information concerning a material matter
- 2 during the investigation of a crime with the intent to influence
- 3 the investigation of the crime or the performance of the police
- 4 officers' official functions shall be guilty of obstructing justice if
- 5 such statements are willfully false and shall be punished by
- 6 imprisonment in a state prison for not more than five years or
- 7 by a fine of not more than fifty thousand dollars or by
- 8 imprisonment in jail for not more than two and one half years,
- 9 or by both such fine and imprisonment.