

By Mr. Coon of Andover, petition of Gary M. Coon, M. Paul Iannuccillo, Donna F. Cuomo and John D. O'Brien relative to the penalties for motor vehicle theft and unauthorized use of a motor vehicle. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PENALTIES FOR MOTOR VEHICLE THEFT AND UNAUTHORIZED USE OF A MOTOR VEHICLE.

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 1992 Official Edition, is hereby amended by
3 striking out lines 431 to 446, inclusive, and inserting in place
4 thereof the following: whoever uses a motor vehicle without
5 authority knowing that such use is unauthorized shall, for the first
6 offense be punished by a fine of not less than fifty dollars nor
7 more than five hundred dollars or by imprisonment in a jail or
8 house of correction for not less than thirty days nor more than two
9 years, or both. A prosecution commenced under this proviso for a
10 first offense shall not be placed on file or continued without a
11 finding; provided, however, that if no term of imprisonment is
12 imposed the defendant shall be required to perform a minimum
13 term of sixty days of community service; and any person con-
14 victed of violating this proviso after a prior conviction of use of a
15 motor vehicle without authority or motor vehicle theft as provided
16 for in section twenty-eight of chapter two hundred and sixty-six
17 shall be punished by imprisonment in the state prison for not more
18 than five years or in a house of correction for not less than ninety
19 days nor more than two and one-half years, or by a fine of not
20 more than one thousand dollars, or by both such fine and impris-
21 onment. No sentence imposed under this proviso for a second
22 offense shall be reduced to less than ninety days imprisonment nor

23 shall any sentence imposed upon any person be suspended or
24 reduced until such person shall have served ninety days; and who-
25 ever is found guilty of a third or subsequent offense of such use
26 without authority or motor vehicle theft as provided for in section
27 twenty-eight of chapter two hundred and sixty-six committed
28 within five years of the earliest of his two most recent prior
29 offenses shall be punished by a fine of not less than two hundred
30 dollars nor more than one thousand dollars or by imprisonment for
31 not less than one year nor more than two and one-half years in a
32 house of correction or for not less than two and one-half years nor
33 more than five years in the state prison or by both fine and impris-
34 onment. No sentence imposed under this proviso for a third or
35 subsequent offense committed within five years shall be reduced
36 to less than one year, nor shall any sentence imposed upon any
37 person be suspended or reduced until such person shall have
38 served one year; and whoever operates a.

1 SECTION 2. Subdivision (a) of section 28 of chapter 266 of
2 the General Laws, as so appearing, is hereby amended by striking
3 out the third paragraph and inserting in place thereof the
4 following paragraph: —

5 A prosecution commenced under this subdivision shall not be
6 placed on file or continued without a finding; provided, however,
7 that if no term of imprisonment is imposed the defendant shall be
8 required to perform a minimum term of sixty days of community
9 service. Any person convicted of violating this section after one or
10 more prior convictions of motor vehicle theft or use of a motor
11 vehicle without authority as provided for in paragraph (a) of sub-
12 division (2) of section twenty-four of chapter ninety shall be pun-
13 ished by imprisonment in the state prison for not more than fifteen
14 years or by imprisonment in a jail or house of correction for not
15 less than one year nor more than two and one-half years or by a
16 fine of not more than fifteen thousand dollars, or by both such fine
17 and imprisonment. No sentence imposed under the provisions of
18 this subdivision for a second or subsequent offense shall be
19 reduced to less than one year imprisonment, nor shall any sen-
20 tence imposed upon any person be suspended or reduced, until
21 such person shall have served one year.