

HOUSE No. 2503

By Mr. Cox of Lowell, petition of John F. Cox relative to multiple offenses of driving while under the influence of intoxicating liquor. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATING TO MULTIPLE OFFENSES UNDER SECTION 24 OF CHAPTER 90.

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

- 1 That the sixth paragraph of subsection (1)(a)(1) of Section 24
- 2 of Chapter 90 be deleted and replaced with the following
- 3 paragraph: —
- 4 The report from the commissioner of probation, required by
- 5 the preceding paragraph, must be made available to the defendant
- 6 seven days prior to the commencement of the trial. Hereinafter
- 7 any complaint issued concerning a violation of this subsection
- 8 shall not contain any allegation of a prior conviction. Although
- 9 a former conviction has been considered an essential part of the
- 10 offense charged because of the imposition of a more severe
- 11 sentence, it shall not be considered an element of the offense. Prior
- 12 convictions shall be considered for disposition only. If the report
- 13 from the commissioner of the probation is not available to the
- 14 defendant seven days prior to the commencement of the trial, the
- 15 judge shall consider any conviction to be a first offense for
- 16 dispositional purposes.

