

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 9, 1986.

The committee on Criminal Justice, to whom were referred so much of the recommendations of the Department of Public Safety (House, No. 178) as relates to establishing a criminal penalty for the possession or use of a hoax bomb device (accompanied by bill, House, No. 182); the petition (accompanied by bill, Senate, No. 154) of Robert M. Penta for legislation to establish certain penalties for the coercion by convicted drug offenders of others to commit a crime; the petition (accompanied by bill, Senate, No. 158) of Jack H. Backman for legislation to redefine possession of marihuana; the petition (accompanied by bill, Senate, No. 163) of Kevin M. Burke and Frederick E. Berry for legislation relative to the crime of abduction of children by relatives; the petition (accompanied by bill, Senate, No. 166) of Louis P. Bertonazzi for legislation to outlaw the sale or distribution of counterfeit soft drink labels used to disguise alcoholic beverage containers; the petition (accompanied by bill, Senate, No. 167) of Louis P. Bertonazzi for legislation to further define imitation controlled substances; the petition (accompanied by bill, Senate, No. 172) of John P. Burke and Martin T. Reilly for legislation to impose a penalty for assaulting an elderly or handicapped person; the petition (accompanied by bill, Senate, No. 181) of Francis X. Bellotti, Attorney General, and Paul D. Harold for legislation to increase penalties imposed by the court for the failure to appeal in court after release on bail or recognizance; the petition (accompanied by bill, Senate, No. 183) of William R. Keating for legislation to require the Department of Mental Health to notify crime victims or their families of the release of certain criminals; the petition (accompanied by bill, Senate, No. 189) of Thomas Higginbotham, Edward P. Kirby and Jacqueline Lewis for legislation to provide for an additional penalty for removing or concealing motor vehicles or trailers to defraud insurers; the petition (accompanied by bill, Senate, No. 193) of Arthur Joseph Lewis, Jr., for legislation to further regulate the penalty and providing for a mandatory sentence for unarmed burglary; the petition (accompanied by bill,

Senate, No. 194) of Arthur Joseph Lewis, Jr., for legislation to provide for the imposition of mandatory sentences for the conviction of committing a felony while armed with a knife; the petition (accompanied by bill, Senate, No. 195) of Arthur Joseph Lewis, Jr., for legislation to require convicted criminals to make payments to a victims of violent crimes fund; the petition (accompanied by bill, Senate, No. 196) of Arthur Joseph Lewis, Jr., David H. Locke and Royall H. Switzler for legislation to provide that major drug traffickers shall be held without bail; the petition (accompanied by bill, Senate, No. 197) of Arthur Joseph Lewis, Jr., for legislation to provide for mandatory sentences upon conviction for assault and battery on citizens during the commission of a handbag theft; the petition (accompanied by bill, Senate, No. 198) of Arthur Joseph Lewis, Jr., for legislation to increase the penalty for breaking and entering a dwelling; the petition (accompanied by bill, Senate, No. 199) of Arthur Joseph Lewis, Jr., for legislation to regulate the penalty for the crime of receiving stolen property under one hundred dollars in value; the petition (accompanied by bill, Senate, No. 200) of Arthur Joseph Lewis, Jr., for legislation to require a mandatory sentence for the second conviction for receiving stolen property over one hundred dollars in value; the petition (accompanied by bill, Senate, No. 201) of Arthur Joseph Lewis, Jr., for legislation to further regulate the penalty for entering a dwelling house in the nighttime or breaking and entering in the day time; the petition (accompanied by bill, Senate, No. 202) of Arthur Joseph Lewis, Jr., for legislation to increase the penalty for breaking and entering a dwelling while armed, and other related crimes; the petition (accompanied by bill, Senate, No. 205) of David H. Locke for legislation to change the classification of marihuana from a Class D to a Class C controlled substance; the petition (accompanied by bill, Senate, No. 214) of John F. Parker for legislation to require the written approval of the district attorney before release on bail for certain prior offenders; the petition (accompanied by bill, Senate, No. 215) of Joseph B. Walsh for legislation to prohibit obscenity on cable television; the petition (accompanied by bill, Senate, No. 216) of Joseph B. Walsh, David H. Locke and Royall H. Switzler for legislation to provide for a twenty-five year mandatory sentence for major drug dealers; the petition (accompanied by bill, Senate, No. 217) of Joseph B. Walsh for legislation to provide for certain mandatory jail sentencing for possession with intent to sell

or sale of certain controlled substances; the petition (accompanied by bill, Senate, No. 1755) of Martin T. Reilly for legislation to impose a penalty for breaking and entering the dwelling of an elderly person; the petition (accompanied by bill, House, No. 298) of Mary Jeanette Murray relative to the penalty for illegal actions due to mental diseases or defect; the petition (accompanied by bill, House, No. 492) of Robert F. Jakubowicz for legislation to make it a criminal offense to induce or abet the truancy or running away of a child or intentionally causing a child to be in need of aid; the petition (accompanied by bill, House, No. 691) of Kevin Poirier relative to the penalty for use of firearms while committing a felony; the petition (accompanied by bill, House, No. 692) of W. Paul White relative to certain juvenile delinquent proceedings; the petition (accompanied by bill, House, No. 694) of W. Paul White that provision be made for alternative sanctions for certain felony and misdemeanor offenses; the petition (accompanied by bill, House, No. 695) of W. Paul White that provision be made for the Superior Court and certain district courts to place certain offenders on intensive probation in the care of probation officers of such courts; the petition (accompanied by bill, House, No. 872) of James T. Brett for legislation to codify motor vehicle theft related felonies and providing for presumptive sentencing; the petition (accompanied by bill, House, No. 874) of Marie-Louise Kehoe relative to the penalty for fraud against elderly persons; the petition (accompanied by bill, House, No. 875) of Vincent J. Lozzi relative to increasing the penalties for kidnapping any minor under the age of sixteen; the petition (accompanied by bill, House, No. 876) of Mary Jeanette Murray and Thomas F. Brownell for the imposition of a penalty for wilfully altering or signing certain false writings for the purpose of deceit, fraud or misrepresentation; the petition (accompanied by bill, House, No. 1283) of Robert L. Howarth relative to the penalty for the use of firearms while committing a felony; the petition (accompanied by bill, House, No. 1284) of Joseph B. McIntyre for legislation to further regulate the manufacture, transportation, sale, repair, possession or other use of certain gambling devices; the petition (accompanied by bill, House, No. 1285) of Joseph B. McIntyre relative to the introduction of prima facie evidence in a prosecution for possession of certain gambling devices; the petition (accompanied by bill, House, No. 1286) of Anthony M. Scibelli for legislation to provide mandatory sentences for assault and battery

upon certain persons; the petition (accompanied by bill, House, No. 1287) of William B. Vernon for legislation to impose a penalty for carrying weapons in high schools; the petition (accompanied by bill, House, No. 1449) of Joseph B. McIntyre relative to prosecution for possession of gambling devices; the petition (accompanied by bill, House, No. 1450) of Mary Jeanette Murray and other members of the House for legislation to discourage the reduction of charges in drug cases from possession with intent to sell to mere possession; the petition (accompanied by bill, House, No. 1451) of Mary Jeanette Murray and other members of the House for legislation to provide for a twenty-five year mandatory sentence for major drug dealers; the petition (accompanied by bill, House, No. 1452) of Mary Jeanette Murray and other members of the House relative to the penalty for the distribution of controlled substances; the petition (accompanied by bill, House, No. 1453) of Mary Jeanette Murray and other members of the House relative to the classification of marijuana; the petition (accompanied by bill, House, No. 1454) of Mary Jeanette Murray and other members of the House for legislation to provide that major drug traffickers be held without bail; the petition (accompanied by bill, House, No. 1793) of Barbara E. Gray and Christopher J. Hodgkins relative to the intimidation of witnesses in criminal proceedings; the petition (accompanied by bill, House, No. 1794) of Barbara E. Gray, Barbara Hildt and John A. Businger for legislation to provide for a special sentence of imprisonment in the case of certain offenders; the petition (accompanied by bill, House, No. 1795) of Barbara E. Gray and other members of the General Court for legislation to require persons found guilty of certain crimes to make restitution to the victims of such crimes; the petition (accompanied by bill, House, No. 1797) of Robert Emmet Hayes, Steven Angelo, Robert A. Durand and Carmen D. Buell for legislation to increase the penalties for unlawful entry of research laboratories; the petition (accompanied by bill, House, No. 1798) of Marie E. Howe for legislation to increase the penalties for committing certain crimes against children; the petition (accompanied by bill, House, No. 1800) of Marie E. Howe for legislation to increase the fine for the sale of alcoholic beverages to minors; the petition (accompanied by bill, House, No. 1981) of Thomas F. Brownell and another for legislation relative to the recording of phone conversations; the petition (accompanied by bill, House, No. 2189) of

Steven Angelo, Mary L. Padula, Christopher J. Hodgkins, Robert A. Durand and another for legislation to provide penalties for persons convicted of crimes against farm property, livestock or crops; the petition (accompanied by bill, House, No. 2384) of Michael W. Morrissey for legislation relative to the sale of property seized during drug arrests; the petition (accompanied by bill, House, No. 2567) of Salvatore Ciccarelli relative to the penalty for unauthorized access to computer systems and programs; the petition (accompanied by bill, House, No. 2568) of James G. Collins for legislation to impose mandatory prison sentences on persons convicted of dealing in drugs in public and private schools; the petition (accompanied by bill, House, No. 2570) of Salvatore F. DiMasi, Anthony M. Scibelli, William J. Flynn, Jr., John F. Cox and Thomas G. Palumbo for legislation relative to increasing certain types of property destruction made punishable under the vandalism laws of the Commonwealth; the petition (accompanied by bill, House, No. 2575) of Salvatore F. DiMasi, Thomas G. Palumbo, Anthony M. Scibelli, William J. Flynn, Jr., and John F. Cox for legislation to provide for a special sentence of imprisonment in the case of certain offenders; the petition (accompanied by bill, House, No. 2576) of Salvatore F. DeMasi, Anthony M. Scibelli, William J. Flynn, Jr., and John F. Cox relative to the penalty for keeping and operating certain automatic amusement devices without a license; the petition (accompanied by resolve, House, No. 2578) of Salvatore F. DiMasi, Anthony M. Scibelli, William J. Flynn, Jr., John F. Cox and Marie E. Howe for an investigation by a special commission (including members of the General Court) relative to the effects of crime on the victims thereof; the petition (accompanied by bill, House, No. 2579) of Salvatore F. DiMasi, Anthony M. Scibelli, William J. Flynn, Jr., John F. Cox and Thomas G. Palumbo relative to the rights of victims and witnesses of violent crimes and the penalties for intimidation of such victims and witnesses; the petition (accompanied by bill, House, No. 2580) of Salvatore F. DiMasi and other members of the House relative to increasing the penalty for persons who induce minors to become prostitutes and providing services for such children; the petition (accompanied by bill, House, No. 2581) of Salvatore F. DiMasi, Anthony M. Scibelli, John F. Cox, Thomas G. Palumbo and Richard T. Moore for legislation to provide that persons charged with certain motor vehicle violations shall not be subject to arrest; the petition

(accompanied by bill, House, No 2583) of Salvatore F. DiMasi, Anthony M. Scibelli, John F. Cox and Thomas G. Palumbo that provision be made for alternative sanctions for certain felony and misdemeanor offenses; the petition (accompanied by bill, House, No. 2584) of Salvatore F. DiMasi and other members of the House for legislation to impose a penalty for carrying weapons in high schools; the petition (accompanied by resolve, House, No. 2586) of Salvatore F. DiMasi, Anthony M. Scibelli, William J. Flynn, Jr., John F. Cox and Thomas G. Palumbo for legislation to establish a special commission (including members of the General Court) for the purpose of making an investigation and study relative to correction alternatives; the petition (accompanied by bill, House, No. 2587) of Barbara E. Gray and other members of the General Court relative to increasing the penalty for persons who induce minors to become prostitutes and providing services for such children; the petition (accompanied by bill, House, No. 2588) of David J. Holway and Michael W. Morrissey for legislation to require judges to state the approximate parole eligibility date when sentencing offenders; the petition (accompanied by bill, House, No. 2589) of David J. Holway and Michael W. Morrissey for legislation to require the courts of the Commonwealth to issue notices of hearings to be held for the purpose of reducing prison sentences; the petition (accompanied by bill, House, No. 2590) of Mary Jeanette Murray, Nicholas J. Buglione and another for legislation to require a minimum mandatory prison sentence for the throwing or dropping of objects on a motor vehicle; the petition (accompanied by resolve, House, No. 2760) of Theodore J. Aleixo, Jr., and Mary Jeanette Murray for an investigation by a special commission (including members of the General Court) relative to the affects of crime on the victim thereof; the petition (accompanied by bill, House, No. 2762) of Royall H. Switzler, Andrew S. Natsios and Forrester A. Clark, Jr., that provision be made for mandatory prison sentences for use of firearms in the commission of certain offenses; the petition (accompanied by bill, House, No. 2961) of John E. Coyne and Stephen J. Karol relative to punishment for the misuse of liquor identification cards; the petition (accompanied by bill, House, No. 3146) of Robert B. Ambler and J. Michael Ruane that provision be made for a mandatory sentence for persons convicted of breaking into a dwelling or for certain motor vehicle violations; the petition (accompanied by bill, House, No. 3147)

of Robert B. Ambler and J. Michael Ruane for legislation to increase the penalties for breaking glass in buildings; the petition (accompanied by bill, House, No. 3148) of Robert A. Cerasoli for legislation to provide for a twenty-five year mandatory sentence for major drug dealers; the petition (accompanied by bill, House, No. 3149) of Robert A. Cerasoli relative to the classification of marihuana; the petition (accompanied by bill, House, No. 3150) of Robert A. Cerasoli for legislation to provide that major drug traffickers be held without bail; the petition (accompanied by bill, House, No. 3320) of Angelo R. Cataldo for legislation to impose mandatory prison sentences on persons convicted of dealing in drugs in public and private schools; the petition (accompanied by bill, House, No. 3321) of Salvatore F. DiMasi and other members of the General Court relative to increasing the punishment for the sale and distribution of controlled substances; the petition (accompanied by bill, House, No. 3325) of William G. Robinson and other members of the House relative to increasing penalties for kidnapping; the petition (accompanied by bill, House, No. 3326) of William G. Robinson and other members of the House relative to the penalty for failure to report violations of the law prohibiting the carrying of weapons on the grounds of certain educational institutions; the petition (accompanied by bill, House, No. 3327) of William G. Robinson and other members of the House for legislation to establish a penalty for failure to notify the police of the possession of narcotics on school grounds; the petition (accompanied by bill, House, No. 3497) of Kevin P. Blanchette, Joseph B. McIntyre, Frank A. Emilio and Michael W. Morrissey relative to computer-related crimes; the petition (accompanied by bill, House, No. 3498) of Kevin P. Blanchette relative to the penalty for interference or tampering with fire signal systems; the petition (accompanied by bill, House, No. 3499) of Thomas F. Brownell that the courts of the Commonwealth be authorized to place certain delinquents in work programs supervised by cities and towns; the petition (accompanied by bill, House, No. 3691) of Angelo M. Scaccia relative to the rights of victims and witnesses of violent crimes and the penalties for intimidation of such victims and witnesses; the petition (accompanied by bill, House, No. 3870) of Salvatore F. DiMasi and others relative to establishing a penalty for the commission of a crime by persons in possession of a knife of any description; the petition (accompanied by bill, House, No.

3872) of William J. Flynn, Jr., relative to the classification of marijuana; the petition (accompanied by bill, House, No. 3873) of William J. Flynn, Jr., for legislation to discourage the reduction of charges in drug cases from possession with intent to sell to mere possession; the petition (accompanied by bill, House, No. 4100) of Steven Angelo and Christopher J. Hodgkins for legislation to require the courts of the Commonwealth to mandate full restitution for all damages and costs incurred by persons trespassing on private property; the petition (accompanied by bill, House, No. 4101) of A. Joseph DeNucci and others for legislation to require psychiatric or other clinical examinations prior to the sentencing of certain persons to prison; the petition (accompanied by bill, House, No. 4252) of Robert A. Durand and other members of the General Court for legislation to require judges when sentencing a defendant to order restitution to victims of crime; the petition (accompanied by bill, House, No. 4416) of Paul E. Caron for legislation to impose mandatory prison sentences on persons convicted of dealing in drugs in public and private schools; the petition (accompanied by bill, House, No. 4548) of Barbara E. Gray, Howard C. Cahoon, Jr., Paul V. Doane and another relative to the penalty for the sale or distribution of certain feminine hygiene tampon-type devices composed in whole or in part of plastic or other nonbiodegradable material; the petition (accompanied by bill, House, No. 4550) of John J. Conte, Andrew Collaro and another relative to the penalty for possession of visual material of children in a state of nudity or sexual conduct; the petition (accompanied by bill, House, No. 4554) of Charles E. Silvia for legislation to make vendor fraud under the medical assistance program a felony; the petition (accompanied by bill, House, No. 4556) of Charles E. Silvia for legislation to provide that major drug traffickers be held without bail; the petition (accompanied by bill, House, No. 4558) of Charles E. Silvia relative to the classification of marijuana; the petition (accompanied by bill, House, No. 4559) of Charles E. Silvia for legislation to provide for a twenty-five year mandatory sentence for major drug dealers; the petition (accompanied by bill, House, No. 4560) of Charles E. Silvia for legislation to discourage the reduction of charges in drug cases from possession with intent to sell to mere possession; the petition (accompanied by bill, House, No. 4725) of Michael J. McGlynn and John F. Cox for legislation to require a prison term for persons throwing or dropping objects on a

motor vehicle; the petition (accompanied by bill, House, No. 4726) of Marie J. Parente relative to punishment for certain sexual offenses; the petition (accompanied by bill, House, No. 5032) of Roger Witkin and John A. Businger relative to immunity for law office searches; the petition (accompanied by bill, House, No. 5033) of Cecelia M. Mason for legislation to provide mandatory sentences and psychological counseling for sex offenders; the petition (accompanied by bill, House, No. 5034) of Mary Jeanette Murray relative to the regulation of adult establishments and establishing penalties for violations; the petition (accompanied by bill, House, No. 5035) of William B. Vernon for legislation to require defendants in certain drug possession cases to disclose the names of drug suppliers; the petition (accompanied by bill, House, No. 5238) of Robert B. Ambler that persons convicted of murder in the first degree or convicted under the mandatory gun law be made ineligible for furloughs; the petition (accompanied by bill, House, No. 5347) of Thomas M. Finneran (with the approval of the mayor and city council) that the city of Boston be authorized to designate certain commercial establishments used for the illegal sale, distribution and possession of controlled substances as a nuisance and providing a penalty for the maintenance of such a nuisance; the petition (accompanied by bill, House, No. 5356) of Marjorie A. Clapprod relative to the compensation of victims of violent crimes; the petition (accompanied by bill, House, No. 5552) of Charles F. Flaherty relative to using a false name for certain criminal purposes; and the petition (accompanied by bill, House, No. 5553) of Charles F. Flaherty relative to the penalty for prisoners escaping from court facilities or police lockups, reports recommending that the accompanying order (House, No. 5910) ought to be adopted.

For the committee,

SALVATORE F. DIMASI.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

1 *Ordered*, That the committee on Criminal Justice be authorized
2 to sit during the current session and recess of the General Court for
3 the purposes of making an investigation and study of Senate and
4 House documents concerning penalties for the commission of
5 crimes in the Commonwealth and other related matters on Senate,
6 Nos. 154, 158, 163, 166, 167, 172, 181, 183, 189, 193, 194, 195, 196,
7 197, 198, 199, 200, 201, 202, 205, 214, 215, 216, 217 and 1755 and on
8 House, Nos. 182, 298, 492, 691, 692, 694, 695, 872, 874, 875, 876,
9 1283, 1284, 1285, 1286, 1287, 1449, 1450, 1451, 1452, 1453, 1454,
10 1793, 1794, 1795, 1797, 1798, 1800, 1981, 2189, 2384, 2567, 2568,
11 2570, 2575, 2576, 2578, 2579, 2580, 2581, 2583, 2584, 2586, 2587,
12 2588, 2589, 2590, 2760, 2762, 2961, 3146, 3147, 3148, 3149, 3150,
13 3320, 3321, 3325, 3326, 3327, 3497, 3498, 3499, 3691, 3870, 3872,
14 3873, 4100, 4101, 4252, 4416, 4548, 4550, 4554, 4556, 4558, 4559,
15 4560, 4725, 4726, 5032, 5033, 5034, 5035, 5238, 5347, 5356, 5552
16 and 5553. Said committee may in the course of its duties, travel
17 within the commonwealth and shall report its findings, and its rec-
18 ommendations, if any, to the House of Representatives on or
19 before the first Wednesday in December, nineteen hundred and
20 eighty-six.

