

By Mr. Lewis, a petition of Arthur Joseph Lewis, Jr., for a legislative amendment to the Constitution to provide for mandatory capital punishment for certain crimes. The Judiciary.

The Commonwealth of Massachusetts

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

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR MANDATORY CAPITAL PUNISHMENT FOR CERTAIN CRIMES.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

If a jury finds a defendant guilty, they shall fix the punishment at death when the defendant is charged by indictment with the unlawful killing of another person and with deliberately premeditated malice aforethought which must also be averred in the indictment for any of the following offenses: —

(1) When the victim was killed while serving in the performance of his duties as a police officer, firefighter or correctional officer; or

(2) When the victim was killed in the course of a kidnapping for ransom of the victim, or attempted kidnapping for ransom of the victim; or

(3) When the victim was killed by a person who had previously been convicted of the crime of murder or serving a life sentence for a crime; or

(4) When the victim was killed for consideration of the receipt of money, services or thing of value, promised by another to induce such killing; the giver or promisor of such consideration as well as the actor is a principal to such killing whether or not present at the consummation of the act; or

(5) When the victim was killed in connection with the commission of rape or an attempt to commit rape; or

(6) When the victim was killed in connection with the commission of carnal knowledge of a child under twelve years of age or abuse of such child in an attempt to have carnal knowledge; or

(7) When the victim was killed in connection with the commission of indecent molestation or an attempt to indecently molest a child under the age of sixteen years; or

(8) When the victim was killed in the course of the commission of a hijacking or in the course of an attempted commission of a hijacking of an airplane; or

(9) When the victim was killed in the course of the commission of a breaking and entering into a dwelling; or

(10) When the victim was killed in the course of the commission of an armed robbery; or

(11) When the victim was killed by the willful setting of an explosion; or

(12) When the victim who was killed is a public official and such killing stems from or is caused by or related to his official position, acts or capacity.