

By Mrs. Kehoe of Dedham, petition of Marie-Louise Kehoe and another for legislation to increase the penalties for certain motor vehicle offenses. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE PENALTIES FOR CERTAIN MOTOR VEHICLE OFFENSES.

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 23 of chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out, in lines 85, 88 and 91 the words "sixty days" and
4 inserting in place thereof, in each instance, the words: — one year.

1 SECTION 2. Section 24G of chapter 90 of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 15,
3 18 and 20 and 21 the words "one year" and inserting in place
4 thereof, in each instance, the words: — two years.

1 SECTION 3. Said section 24G of said chapter 90, as so
2 appearing, is hereby further amended by striking out subsec-
3 tion (b) and inserting in place thereof the following subsection: —

4 (b) Whoever, upon any way or in any place to which the public
5 has a right of access or upon any way or in any place to which
6 members of the public have access as invitees or licensees, operates
7 a motor vehicle while under the influence of intoxicating liquor,
8 or of marihuana, narcotic drugs, depressants or stimulant
9 substances, all as defined in section one of chapter ninety-four C,
10 or the vapors of glue, or whoever operates a motor vehicle
11 recklessly or negligently so that the lives or safety of the public
12 might be endangered and by any such operation causes the death

13 of another person, shall be guilty of homicide by a motor vehicle
14 and shall be punished by imprisonment in a jail or house of
15 correction for not less than one year nor more than two and one-
16 half years and a fine of not less than three hundred nor more than
17 three thousand dollars. The sentence imposed upon such person
18 shall not be reduced to less than one year, nor suspended, nor
19 shall any person convicted under this subsection be eligible for
20 probation, parole or furlough or receive any deduction from his
21 sentence until such person has served at least one year of such
22 sentence; provided, however, that the commissioner of correction
23 may, on the recommendation of the warden, superintendent, or
24 other person in charge of a correctional institution, or the
25 administrator of a county correctional institution, grant to an
26 offender committed under this subsection a temporary release in
27 the custody of an officer of such institution for the following
28 purposes only: to attend the funeral of a relative; to visit a critically
29 ill relative; to obtain emergency medical or psychiatric services
30 unavailable at said institution; or to engage in employment
31 pursuant to a work release program. Prosecutions commenced
32 under this section shall neither be continued without a finding nor
33 placed on file. The provisions of section eighty-seven of chapter
34 two hundred and seventy-six, shall not apply to any person
35 charged with a violation of this subsection.