

By Mr. Businger of Brookline, petition of the Group Against Smoking Pollution, John A. Businger and Barbara E. Gray for legislation to establish the crime of reckless endangerment. Health Care.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH THE CRIME OF RECKLESS ENDANGERMENT.

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

1 Chapter 265 of the General Laws is hereby amended by adding,
2 after Section 40, the following new section: —

3 Section 41. A person is guilty of reckless endangerment in the
4 first degree when, under circumstances evincing a depraved
5 indifference to human life, he recklessly engages in conduct which
6 creates a grave risk of death to another person.

7 Whoever is guilty of reckless endangerment in the first degree
8 shall be punished by imprisonment in the state prison for life.

9 Section 42. A person is guilty of reckless endangerment in the
10 second degree when he recklessly engages in conduct which creates
11 a substantial risk of serious physical injury to another person.

12 Whoever is guilty of reckless endangerment in the second degree
13 shall be punished by imprisonment in the state prison for not more
14 than twenty years or by a fine of not more than one thousand
15 dollars and imprisonment in jail or a house of correction for not
16 more than two and one half years.

