



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

October 5, 2011

The Honorable Cynthia Stone Creem
Senate Chair – Joint Committee on the Judiciary
State House, Room 405
Boston, MA 02133

The Honorable Eugene L. O’Flaherty
House Chair – Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

RE: H.B. 2849 / S.B. 630, An Act Relative to Manslaughter

Dear Chairman O’Flaherty and Chairwoman Creem.

I am writing to express my strong support for House Bill 2849 and its counterpart, Senate Bill 630, *An Act Relative to Manslaughter*, which would increase the penalty for corporate manslaughter from \$1,000 to \$250,000. This bill, which I filed along with lead sponsors Chairman Eugene L. O’Flaherty, Senator Steven A. Baddour, and Senate Minority Leader Bruce E. Tarr, is an important bill that updates the current manslaughter statute by increasing the penalty for corporations charged with manslaughter from an antiquated cap that’s nearly 200 years old.

As you know, in August 2007, Powers Fasteners, the New York company that marketed and distributed the epoxy anchor bolt system used in portions of the I-90 Connector Tunnel, was indicted for manslaughter in connection with the July 10, 2006 ceiling panel collapse that killed Milena Del Valle of Jamaica Plain. Our office resolved that case in December, 2008. However, that indictment, as well as other cases in which a corporation’s gross negligence has resulted in an individual’s death, helps to illustrate why a change in this law is necessary.

While the current sentence for individuals convicted of manslaughter may be imprisonment up to 20 years, corporations convicted of manslaughter cannot be subject to imprisonment. Therefore, the only penalty faced by corporations is a monetary fine. Currently, the statute sets that fine at a mere \$1,000. To provide the Committee with a historical perspective, the \$1,000 fine was signed into law by Governor John Brooks on February 19, 1819 and has not been amended since.



Clearly, no monetary sum can compensate for the loss of an individual's life. However, \$1,000 is a woefully inadequate penalty, especially for those who have lost a loved one. Therefore, our Office proposes a \$250,000 penalty.

I urge the Committee to give this legislation a favorable report, and I look forward to working with you on this important issue. As always, do not hesitate to contact me with any questions you may have.

Cordially,



Martha Coakley

Cc: Senator Steven A. Baddour, Senate Minority Leader Bruce E. Tarr