

HOUSE No. 1448

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to persistent violent offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Viriato Manuel deMacedo	1st Plymouth
Elizabeth Poirier	14th Bristol
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Jeffrey Davis Perry	5th Barnstable
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1506 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO PERSISTENT VIOLENT OFFENDERS.

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

SECTION 1. Chapter 274 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 1 the following new section:—

Section 1A. (a) Any person convicted of two or more separate acts of violence when such offenses were not part of a common act, transaction or scheme shall, upon conviction of a third or subsequent act of violence, be sentenced to life imprisonment and shall not have all or any portion of the sentence suspended provided it is admitted, or found by the jury or judge before whom such offender is tried, that such offender has been previously convicted of two or more such acts of violence.

For the purposes of this section, "act of violence" means any one of the following violations:

- (1) First and second degree murder, pursuant to section 1 of chapter 265;
 - (2) Manslaughter, pursuant to section 13 of chapter 265;
 - (3) Assault with intent to murder or maim, pursuant to section 15 of chapter 265; or assault with a dangerous weapon, pursuant to section 15A of chapter 265;
 - (4) Armed burglary, pursuant to section 14 of chapter 266;
 - (5) Criminal sexual assault and rape, pursuant to section 22 of chapter 265;
 - (6) Sex offense, sex offense involving a child, or sexually violent offense, pursuant to section 178C of chapter six;
 - (7) Conspiracy pursuant to section 7 of chapter 274 to commit any of the violations enumerated in items (1) to (6), inclusive, of this section.
- (b) Prior convictions shall include convictions under the laws of any state or of the United States for any offense substantially similar to those listed under "act of violence" if such offense would be a felony if committed in the commonwealth.
- (c) The commonwealth shall notify the defendant in writing, at least 30 days prior to trial, of its intention to seek punishment pursuant to this section.
- (d) Any person sentenced to life imprisonment pursuant to this section shall not be eligible for parole.