

SENATE NO. 1013

AN ACT PROVIDING FOR PROGRESSIVE PENALTIES FOR THE CRIME OF MOTOR VEHICULAR HOMICIDE

*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 24G of chapter 90 of the General Laws, as amended by sections 21 and
2 22 of chapter 28 of the Acts of 2003, is hereby further amended by striking the section in its
3 entirety and replacing it with the following section:--

4 Section 24G. (a) Whoever, upon any way or in any place to which the public has a right of
5 access, or upon any way or in any place to which members of the public have access as invitees
6 or licensees, operates a motor vehicle with a percentage, by weight, of alcohol in their blood of
7 eight one-hundredths or greater, or while under the influence of intoxicating liquor, or of
8 marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section one of
9 chapter ninety-four C, or the vapors of glue, and so operates a motor vehicle recklessly or
10 negligently so that the lives or safety of the public might be endangered, and by any such
11 operation so described causes the death of another person, shall be guilty of homicide by a
12 motor vehicle while under the influence of an intoxicating substance, and shall be punished by
13 imprisonment in the state prison for not less than two and one-half years or more than fifteen
14 years and a fine of not more than five thousand dollars, or by imprisonment in a jail or house of

15 correction for not less than one year nor more than two and one-half years and a fine of not
16 more than five thousand dollars. The sentence imposed upon such person shall not be reduced to
17 less than one year, nor suspended, nor shall any person convicted under this subsection be
18 eligible for probation, parole, or furlough or receive any deduction from his sentence until such
19 person has served at least one year of such sentence; provided, however, that the commissioner
20 of correction may, on the recommendation of the warden, superintendent, or other person in
21 charge of a correctional institution, or the administrator of a county correctional institution,
22 grant to an offender committed under this subsection a temporary release in the custody of an
23 officer of such institution for the following purposes only: to attend the funeral of a relative; to
24 visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at
25 said institution; or to engage in employment pursuant to a work release program. Prosecutions
26 commenced under this section shall neither be continued without a finding nor placed on file.

27 The provisions of section eighty-seven of chapter two hundred and seventy-six, shall not apply
28 to any person charged with a violation of this subsection.

29 (b) Whoever, upon any way or in any place to which the public has a right of access or upon any
30 way or in any place to which members of the public have access as invitees or licensees,
31 operates a motor vehicle with a percentage, by weight, of alcohol in their blood of eight one-
32 hundredths or greater, or while under the influence of intoxicating liquor, or of marihuana,
33 narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter
34 ninety-four C, or the vapors of glue, or whoever operates a motor vehicle negligently so that the
35 lives or safety of the public might be endangered and by any such operation causes the death of
36 another person, shall be guilty of homicide by a motor vehicle and shall be punished by

37 imprisonment in a jail or house of correction for not less than thirty days nor more than two and
38 one-half years, or by a fine of not less than three hundred nor more than three thousand dollars,
39 or both.

40 (c) Whoever, upon any way or in any place to which the public has a right of access or upon any
41 way or in any place to which members of the public have access as invitees or licensees,
42 operates a motor vehicle recklessly so that the lives or safety of the public might be endangered
43 and by any such operation causes the death of another person, shall be guilty of reckless
44 homicide by a motor vehicle and shall be punished by imprisonment in a jail or house of
45 correction for not more than two and one-half years, or by imprisonment in the state prison for
46 not more than ten years, or by a fine of not more than three thousand dollars, or by both such
47 fine and imprisonment. For the purpose of this section, a person operates recklessly when he
48 consciously disregards a substantial and unjustifiable risk that the lives or safety of the public
49 might be endangered.

50 (d) The registrar shall revoke the license or right to operate of a person convicted of a violation
51 of subsection (a), (b), (c) or punished under section 13 of chapter 265 of the General Laws when
52 a motor vehicle is the instrument of the offense for a period of ten years after the date of
53 conviction for a first offense. The registrar shall revoke the license or right to operate of a
54 person convicted for a subsequent violation of this section for the life of such person. No
55 appeal, motion for a new trial or exceptions shall operate to stay the revocation of the license or
56 of the right to operate; provided, however, such license shall be restored or such right to operate
57 shall be reinstated if the prosecution of such person ultimately terminates in favor of the
58 defendant.