

HOUSE No. 1474

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 adoption of the accompanying bill:

An Act relative to offenses while driving on a suspended license.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>

HOUSE No. 1474

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 1474) of Louis L. Kafka and others relative to offenses while driving on a suspended motor vehicle license. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to offenses while driving on a suspended license.

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 Massachusetts General Laws, as appearing
2 in the 2014 Official Edition, is hereby amended by inserting after the fourth paragraph the
3 following 3 paragraphs:-

4 Any person convicted of operating a motor vehicle in violation of section 10 of chapter
5 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;
6 or of operating a motor vehicle after his license to operate has been suspended or revoked, or
7 after notice of the suspension or revocation of his right to operate a motor vehicle without a
8 license has been issued by the registrar and received by such person or by his agent or employer,
9 and prior to the restoration of such license or right to operate or to the issuance to him of a new
10 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or
11 safety of the public might be endangered, and by such operation causes injury to another person
12 shall be punished by a fine of not more than \$5,000 and by imprisonment in a house of

13 correction for not more than 2 ½ years. Prosecutions commenced under this paragraph shall only
14 apply to a person whose license or right to operate has been suspended or revoked due to a
15 conviction or continuance without a finding under this or any other chapter, due to an
16 outstanding default or arrest warrant, or due to offenses which are required by any provision of
17 law to be reported to the registrar and for which the registrar is authorized or required to suspend
18 or revoke the person's license or right to operate motor vehicles for a period of 30 days or more.
19 If the person has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a
20 court of the commonwealth or by a court of any other jurisdiction because of a like violation
21 preceding the date of the commission of the offense for which he has been convicted, the person
22 shall be punished by a fine of not more than \$5,000 and by imprisonment in a house of
23 correction for not less than 6 months and not more than 2 ½ years. Section 87 of chapter 276
24 shall not apply to any person charged with a violation of this paragraph. Prosecutions
25 commenced under this paragraph shall not be placed on file or continued without a finding. The
26 registrar shall revoke the license or right to operate of a person convicted of a violation of this
27 paragraph for a period of sixty days to one year after the date of conviction. No appeal, motion
28 for a new trial or exceptions shall operate to stay the revocation of the license or of the right to
29 operate; provided, however, such license shall be restored or such right to operate shall be
30 reinstated if the prosecution of such person ultimately terminates in favor of the defendant.

31 Any person convicted of operating a motor vehicle in violation of section 10 of chapter
32 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;
33 or of operating a motor vehicle after his license to operate has been suspended or revoked, or
34 after notice of the suspension or revocation of his right to operate a motor vehicle without a
35 license has been issued by the registrar and received by such person or by his agent or employer,

36 and prior to the restoration of such license or right to operate or to the issuance to him of a new
37 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or
38 safety of the public might be endangered, and by such operation causes serious bodily injury to
39 another person shall be punished by a fine of not more than \$10,000 and by imprisonment in a
40 house of correction for not more than 2 ½ years or imprisonment in the state prison for not more
41 than 5 years. Prosecutions commenced under this paragraph shall only apply to a person whose
42 license or right to operate has been suspended or revoked due to a conviction or continuance
43 without a finding under this or any other chapter, due to an outstanding default or arrest warrant,
44 or due to offenses which are required by any provision of law to be reported to the registrar and
45 for which the registrar is authorized or required to suspend or revoke the person's license or right
46 to operate motor vehicles for a period of 30 days or more. If the person has been previously
47 convicted of a violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by
48 a court of any other jurisdiction because of a like violation preceding the date of the commission
49 of the offense for which he has been convicted, the person shall be punished by a fine of not
50 more than \$10,000 and by imprisonment in a house of correction for a mandatory period of not
51 less than 1 year and not more than 2 ½ years, or state prison for not less than 1 year but no more
52 than 10 years with said sentence to be served consecutively to and not concurrent with any other
53 sentence or penalty. Such sentence shall not be suspended, nor shall any such person be eligible
54 for probation, parole, or furlough or receive any deduction from his sentence for good conduct
55 until he shall have served said 1 year of such sentence; provided, however, that the commissioner
56 of correction may, on the recommendation of the warden, superintendent or other person in
57 charge of a correctional institution, or of the administrator of a county correctional institution,
58 grant to an offender committed under this paragraph a temporary release in the custody of an

59 officer of such institution only to obtain emergency medical or psychiatric services unavailable
60 at said institution or to engage in employment pursuant to a work release program. Section 87 of
61 chapter 276 shall not apply to any person charged with a violation of this paragraph.

62 Prosecutions commenced under this paragraph shall not be placed on file or continued without a
63 finding. The registrar shall revoke the license or right to operate of a person convicted of a
64 violation of this paragraph for a period of two years after the date of conviction. No appeal,
65 motion for a new trial or exceptions shall operate to stay the revocation of the license or of the
66 right to operate; provided, however, such license shall be restored or such right to operate shall
67 be reinstated if the prosecution of such person ultimately terminates in favor of the defendant.

68 Any person convicted of operating a motor vehicle in violation of section 10 of chapter
69 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;
70 or of operating a motor vehicle after his license to operate has been suspended or revoked, or
71 after notice of the suspension or revocation of his right to operate a motor vehicle without a
72 license has been issued by the registrar and received by such person or by his agent or employer,
73 and prior to the restoration of such license or right to operate or to the issuance to him of a new
74 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or
75 safety of the public might be endangered, and by such operation causes the death of another shall
76 be punished by a fine of not more than \$15,000 and by imprisonment in a house of correction for
77 a mandatory period of not less than 2 years and not more than 2 ½ years, or state prison for not
78 less than 2 years but no more than 10 years with said sentence to be served consecutively to and
79 not concurrent with any other sentence or penalty. Such sentence shall not be suspended, nor
80 shall any such person be eligible for probation, parole, or furlough or receive any deduction from
81 his sentence for good conduct until he shall have served said 2 years of such sentence; provided,

82 however, that the commissioner of correction may, on the recommendation of the warden,
83 superintendent or other person in charge of a correctional institution, or of the administrator of a
84 county correctional institution, grant to an offender committed under this paragraph a temporary
85 release in the custody of an officer of such institution only to obtain emergency medical or
86 psychiatric services unavailable at said institution or to engage in employment pursuant to a
87 work release program. Prosecutions commenced under this paragraph shall only apply to a
88 person whose license or right to operate has been suspended or revoked due to a conviction or
89 continuance without a finding under this or any other chapter, due to an outstanding default or
90 arrest warrant, or due to offenses which are required by any provision of law to be reported to the
91 registrar and for which the registrar is authorized or required to suspend or revoke the person's
92 license or right to operate motor vehicles for a period of 30 days or more. If the person has been
93 previously convicted of a violation of sections 10 or 23 of chapter 90 by a court of the
94 commonwealth or by a court of any other jurisdiction because of a like violation preceding the
95 date of the commission of the offense for which he has been convicted, the person shall be
96 punished by a fine of not more than \$15,000 and by imprisonment in the state prison for not less
97 than 5 years but no more than 15 years with said sentence to be served consecutively to and not
98 concurrent with any other sentence or penalty. Such sentence shall not be suspended, nor shall
99 any such person be eligible for probation, parole, or furlough or receive any deduction from his
100 sentence for good conduct until he shall have served said 5 years of such sentence; provided,
101 however, that the commissioner of correction may, on the recommendation of the warden,
102 superintendent or other person in charge of a correctional institution, or of the administrator of a
103 county correctional institution, grant to an offender committed under this paragraph a temporary
104 release in the custody of an officer of such institution only to obtain emergency medical or

105 psychiatric services unavailable at said institution or to engage in employment pursuant to a
106 work release program. Section 87 of chapter 276 shall not apply to any person charged with a
107 violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on
108 file or continued without a finding. The registrar shall revoke the license or right to operate of a
109 person convicted of a violation of this paragraph for a period of fifteen years to life after the date
110 of conviction. No appeal, motion for a new trial or exceptions shall operate to stay the
111 revocation of the license or of the right to operate; provided, however, such license shall be
112 restored or such right to operate shall be reinstated if the prosecution of such person ultimately
113 terminates in favor of the defendant.

114 SECTION 2. Said section 23 of said chapter 90, as so appearing, is hereby amended by
115 striking out the words “first or second”, in line 148, and inserting in place thereof the following
116 words:- first, second, fifth, sixth or seventh.

117 SECTION 3. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby
118 amended by inserting, in line 12, after the word “90B” the following words:- , sixth or seventh
119 paragraph of section 23 of chapter 90.