

HOUSE No. 02204

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:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>

Viriato Manuel deMacedo

1st Plymouth

HOUSE No. 02204

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2204) of Frost and others relative to sentencing of persistent violent offenders Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1448 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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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:

1 SECTION 1. Chapter 274 of the General Laws, as appearing in the 2008 Official Edition, is
2 hereby amended by inserting after section 1 the following new section:—

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

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

- 10 (1) First and second degree murder, pursuant to section 1 of chapter 265;
- 11 (2) Manslaughter, pursuant to section 13 of chapter 265;
- 12 (3) Assault with intent to murder or maim, pursuant to section 15 of chapter 265; or assault with
13 a dangerous weapon, pursuant to section 15A of chapter 265;
- 14 (4) Armed burglary, pursuant to section 14 of chapter 266;
- 15 (5) Criminal sexual assault and rape, pursuant to section 22 of chapter 265;
- 16 (6) Sex offense, sex offense involving a child, or sexually violent offense, pursuant to section
17 178C of chapter six;
- 18 (7) Conspiracy pursuant to section 7 of chapter 274 to commit any of the violations enumerated
19 in items (1) to (6), inclusive, of this section.
- 20 (b) Prior convictions shall include convictions under the laws of any state or of the United States
21 for any offense substantially similar to those listed under "act of violence" if such offense would
22 be a felony if committed in the commonwealth.
- 23 (c) The commonwealth shall notify the defendant in writing, at least 30 days prior to trial, of its
24 intention to seek punishment pursuant to this section.
- 25 (d) Any person sentenced to life imprisonment pursuant to this section shall not be eligible for
26 parole.