

# HOUSE . . . . . No. 4005

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 16, 2016.

The committee on the Judiciary to whom were referred the petition (accompanied by bill, Senate, No. 822) of Jennifer L. Flanagan for legislation relative to the solicitation of murder, the petition (accompanied by bill, Senate, No. 899) of Michael F. Rush, Michael O. Moore and Bruce E. Tarr for legislation to prohibit solicitation of a felony, the petition (accompanied by bill, Senate, No. 922) of Bruce E. Tarr for legislation relative to murder solicitation, and the petition (accompanied by bill, House, No. 1557) of David M. Rogers and others relative to the solicitation of another to commit a felony, reports recommending that the accompanying bill (House, No. 4005) ought to pass.

For the committee,

JOHN V. FERNANDES.

**HOUSE . . . . . No. 4005**

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The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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An Act to properly punish the solicitation of felony crimes.

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

1 Chapter 274 of the General Laws is hereby amended by adding after Section 7 the  
2 following section: -

3 Section 8. Whoever solicits, counsels, advises, or otherwise entices another to  
4 commit a crime that may be punished by imprisonment in the state prison and who intends that  
5 the person, in fact, commit or procure the commitment of the crime alleged shall, except as  
6 otherwise provided, be punished as follows:

7 First, by imprisonment for not more than 20 years in the state prison or for not  
8 more than 2½ half years in a jail or house of correction, or by a fine of not more than \$10,000, or  
9 by both such fine and imprisonment, if the intent of the solicitation, counsel, advice or  
10 enticement is a crime punishable by imprisonment for life.

11 Second, by imprisonment for not more than 10 years in the state prison or for not  
12 more than 2½ years in a jail or house of correction, or by a fine of not more than \$10,000, or by

13 both such fine and imprisonment, if the intent of the solicitation, counsel, advice or enticement is  
14 a crime punishable by imprisonment in the state prison for 10 years or more.

15 Third, by imprisonment for not more than 5 years in the state prison or for not more than  
16 2½ years in a jail or house of correction, or by a fine of not more than \$5,000, or by both such  
17 fine and imprisonment, if the intent of the solicitation, counsel, advice or enticement is a crime  
18 punishable by imprisonment in the state prison for 5 years or more.

19 Fourth, by imprisonment for not more than 2½ years in a jail or house of correction, or by a  
20 fine of not more than \$2,000, or by both such fine and imprisonment, if the intent of the  
21 solicitation, counsel, advice or enticement is a crime punishable by imprisonment in the state  
22 prison for less than 5 years.

23 If a person is convicted of a crime of solicitation, counsel, advice or enticement for which  
24 crime the penalty is expressly set forth in any other section of the General Laws, the provisions  
25 of this section shall not apply to said crime and the penalty therefor shall be imposed pursuant to  
26 the provisions of such other section.