

HOUSE No. 45

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and Liz Miranda

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 to provide sentencing parity in criminal law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/21/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>5/5/2023</i>

HOUSE No. 45

By Representative Sabadosa of Northampton and Senator Miranda, a joint petition (accompanied by bill, House, No. 45) of Lindsay N. Sabadosa, Liz Miranda and Erika Uytterhoeven for legislation to provide sentencing parity in criminal law. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to provide sentencing parity in criminal law.

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 1 of chapter 265 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out in, in lines 2 through 4, the words "or in the
3 commission or attempted commission of a crime punishable with death or imprisonment for
4 life,".

5 SECTION 2. Said section 1 of said section 265, as so appearing, is hereby further
6 amended by inserting after the second sentence the following sentence:- Where a killing occurs
7 during the commission or attempted commission of a crime punishable with imprisonment for
8 life, the killing shall amount to murder for a principal perpetrator who is personally and directly
9 responsible for committing the killing and acts with the same malice forethought towards the
10 killing as is required for a killing to amount to murder when not done in the course or furtherance
11 of another offense.

12 SECTION 3. Said section 1 of said chapter 265, as so appearing, is hereby further
13 amended by adding the following paragraph:-

14 Notwithstanding any other provision of law, Section one shall apply to any person
15 charged with murder prior to or after the effective date of this act.

16 SECTION 4. Section 2 of chapter 274 of the General Laws, as so appearing, is hereby
17 amended by striking out the word “felon.”, in line 4, and inserting in place thereof the following
18 words:- felon; provided, however, that in the event of a killing resulting during the commission
19 or attempted commission of a felony, the killing shall amount to murder in the first degree only
20 for a principal perpetrator who is personally and directly responsible for committing the killing
21 and acts with the same malice forethought towards the killing as is required for a killing to
22 amount to murder when not done in the course or furtherance of another offense.

23 SECTION 5. Said section 2 of said chapter 274, as so appearing, is hereby further
24 amended by adding the following 2 paragraphs:-

25 Whoever aids in the commission of a killing or is accessory thereto before the fact by
26 counseling, hiring, or otherwise procuring such killing to be committed but is not a principal
27 perpetrator who is personally and directly responsible for committing the killing, shall be
28 punished by imprisonment in the state prison for a period of not less than 2 and 1/2 years nor
29 more than 25 years.

30 Notwithstanding any other provision of law, paragraph 2 shall apply to any person
31 charged with aiding in the commission of a killing or who is accessory thereto before the fact by
32 counseling, hiring, or otherwise procuring such killing to be committed prior to or after the
33 effective date of this act.