

**HOUSE . . . . . No. 00485**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Angelo J. Puppolo, 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 motor vehicle homicide.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

# HOUSE . . . . . No. 00485

By Mr. Angelo J. Puppolo of Springfield, petition (accompanied by bill, House, No. 00485) of Benjamin Swan and others relative to the penalty for negligent operation of a motor vehicle resulting in the death of another person. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 1675 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 motor vehicle 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 An act relative to felony motor vehicle homicide.

2 SECTION 1. Subdivision (2) of section 24 of chapter 90 of the General Laws, as appearing in  
3 the 2006 Official Edition, is hereby amended by inserting, after paragraph (a), the following  
4 paragraph:-

5 (a ¼) Whoever, upon any way or in any place to which the public has a right of access, or any  
6 place to which members of the public have access, as invitees or licensees, operates a motor  
7 vehicle recklessly, or operates such vehicle negligently so that the lives or safety of the public  
8 might be endangered and by any such operation, causes the death of another person, shall be

9 punished by imprisonment in the state prison for not less than 2 ½ years nor more than 20 years.  
10 The sentence imposed upon such person shall not be suspended, nor shall any person convicted  
11 under this paragraph be eligible for probation, parole, or furlough or receive any deduction from  
12 his sentence until such person has served at least 1 year of such sentence; provided, however,  
13 that the commissioner of correction may, on the recommendation of the warden, superintendent,  
14 or other person in charge of a correctional institution, or the administrator of a county  
15 correctional institution, grant to an offender committed under this subsection a temporary release  
16 in the custody of an officer of such institution for the following purposes only: to attend the  
17 funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric  
18 services unavailable at said institution; or to engage in employment pursuant to a work release  
19 program. Prosecutions commenced under this paragraph shall not be continued without a finding  
20 nor placed on file.

21 SECTION 2. Paragraph (b) of subdivision (2) of said section 24 of said chapter 90 of the  
22 General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after  
23 the letter “(a)” in line 811, the following:- , paragraph (a ¼)

24 SECTION 3. Paragraph (c) of subdivision (2) of said section 24 of said chapter 90 of the  
25 General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after  
26 the letter “(a)” in line 828, the following:- , (a ¼)

27 SECTION 4. Said paragraph (c) of said subdivision (2) of said section 24 of said chapter 90, as  
28 so appearing, is hereby further amended by inserting, after the word “to:” in line 830, the  
29 following:- (i) any person convicted of a violation of paragraph (a ¼) until 20 years after the  
30 date of revocation following his conviction.

31 SECTION 5. This act shall be known as the Russell "R.J." Potter Act.