

**SENATE . . . . . No. 1296**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Michael F. Rush***

*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 protecting bank employees and customers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>

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By Mr. Rush, a petition (accompanied by bill, Senate, No. 1296) of Michael F. Rush, Michael O. Moore, Paul McMurtry, Walter F. Timilty and others for legislation relative to bank robberies and collection of fraudulent checks. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3246 OF 2013-2014.]

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 protecting bank employees and customers.

*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 40a of chapter 93 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by adding after the last sentence in the first paragraph the  
3 following new sentence:– Action taken under this section may be brought before the court where  
4 either the plaintiff or defendant lives or has a place of business or employment.

5 SECTION 2. Section 17 of chapter 265 of the General Laws, as so appearing, is hereby  
6 amended by striking out said section and inserting in place thereof the following new section:–

7 Section 17. Whoever, being armed with a dangerous weapon, assaults another and robs,  
8 steals or takes from his person money or other property which may be the subject of larceny shall  
9 be punished by imprisonment in the state prison for life or for any term of years; provided,

10 however, that any person who commits any offense described herein while masked or disguised  
11 or while having his features artificially distorted, shall, for the first offense be sentenced to  
12 imprisonment for not less than 5 years and for any subsequent offense for not less than 10 years.  
13 Whoever commits any offense described herein while armed with a firearm, shotgun, rifle,  
14 machine gun or assault weapon or displays what appears to be a firearm, improvised explosive  
15 device or other deadly weapon, hypodermic needle or any other device that may cause or is  
16 intended to inflict bodily injury or commits a robbery within and against a banking institution as  
17 defined in section 1 of chapter 167A or a credit union as defined in section 1 of chapter 171 shall  
18 be punished by imprisonment in the state prison for not less than 5 years. Any person who  
19 commits a subsequent offense while armed with a firearm, shotgun, rifle, machine gun or assault  
20 weapon or displays what appears to be a firearm, improvised explosive device or other deadly  
21 weapon, hypodermic needle or any other device that may cause or is intended to inflict bodily  
22 injury or commits a robbery within and against a banking institution as defined in section 1 of  
23 chapter 167A or a credit union as defined in section 1 of chapter 171 shall be punished by  
24 imprisonment in the state prison for not less than 15 years.

25           SECTION 3. Section 19 of said chapter 265 of the General Laws, as so appearing, is  
26 hereby amended by striking out subsection (b) and inserting in place thereof the following  
27 subsection (b):—Whoever, not being armed with a dangerous weapon, by force and violence, or  
28 by assault and putting in fear, robs, steals or takes from the person of another, or from his  
29 immediate control, money or other property which may be the subject of larceny, including  
30 attempted robbery of a bank as defined in section 1 of chapter 167A or a credit union as defined  
31 in section 1 of chapter 171 shall be punished by imprisonment in the state prison for life or for  
32 any term of not less than 30 months.

33 SECTION 4. Section 30 of chapter 266 of the General Laws, as so appearing, is further  
34 amended by adding to the end of paragraph (1) the following new sentence:– If the larceny  
35 involved monies received through the uttering of a forged, altered or counterfeit check, draft or  
36 order for the payment of money from any bank or other depository, action may be taken before  
37 either the court having jurisdiction where the uttering took place or where the payee bank or  
38 other depository’s main office is located.

39 SECTION 5. Section 37 of said chapter 266 of the General Laws, as so appearing, is  
40 hereby amended by adding the following sentence to the end of said section:– Action taken  
41 under this jurisdiction where the crime was committed or where the main office of the bank or  
42 other depository are located.

43 SECTION 6. Section 37E of chapter 266 of the General Laws, as so appearing is hereby  
44 amended by inserting after subparagraph (c) the following paragraph (d):–

45 Whoever is in unlawful possession of an identity scanning device when he or she  
46 possesses any tool, instrument or other article adapted, designed or commonly used for  
47 committing or facilitating offenses involving accessing a person's financial services account  
48 number or code, savings account number or code, checking account number or code, brokerage  
49 account number or code, credit card account number or code, debit card number or code,  
50 automated teller machine number or code, personal identification number, mother's maiden  
51 name, computer system password, electronic signature or unique biometric data that is a  
52 fingerprint, voice print, retinal image or iris image of another person under circumstances  
53 evincing an intent to use or knowledge that some person intends to use the same in the  
54 commission of an offense shall be guilty of identity fraud and shall be punished by a fine of not

55 more than \$5,000 or imprisonment in a house of correction for not more than two and one-half  
56 years, or by both such fine and imprisonment.

57 SECTION 7: Section 37E of chapter 266 is hereby further amended by renumbering  
58 subparagraph (d) to (e) and subparagraph (e) to (f).