

SENATE No. 01812

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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 punishing interference with the safe operation of trains and certain other common carriers..

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 01812

By Mr. Tolman, petition (accompanied by bill, Senate, No. 1812) of Tolman for legislation relative to the safe operation of trains [Joint Committee on Transportation].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3226 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act punishing interference with the safe operation of trains and certain other common carriers..

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 160 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after section 226 the following section:—

3 Section 226A. (a) For the purposes of this section, the following words shall have the
4 following meanings:-

5 “Bodily injury”, substantial impairment of the physical condition including, but not limited
6 to, any burn, fracture of any bone, subdural hematoma, injury to any internal organ, or any injury
7 which occurs as the result of repeated harm to any bodily function or organ, including human
8 skin.

9 “Serious bodily injury”, bodily injury which results in a permanent disfigurement,
10 protracted loss or impairment of a bodily function, limb or organ or substantial risk of death.

11 (b) Whoever wantonly propels any article at, against, onto or into any railroad car,
12 locomotive, subway vehicle or trolley car or wantonly places or leaves any article upon any
13 railroad track, subway track, trolley track or street railway track which poses a risk of damaging
14 such a carrier, or unlawfully climbs into or upon any such carrier, or wantonly disrupts, delays,
15 prevents or otherwise interferes with the operation of such a carrier or the operating crew thereof,
16 shall be punished by a fine of not more than \$500 or by imprisonment in the house of correction
17 for not more than 1 year, or by both such fine and imprisonment.

18 (c) Whoever violates this section and thereby endangers the lives or safety of the carrier'
19 passengers or operating crew, or the public or thereby causes bodily injury to another shall be
20 punished by not more than 2 ½ years in the house of correction or not less than 5 years nor more
21 than 10 years in state prison or by a fine not to exceed \$1,000, or by both such fine and
22 imprisonment.

23 (d) Whoever violates this section and thereby causes serious bodily injury to another shall
24 be punished by a fine of not more than \$5,000 or by imprisonment in the state prison for not less
25 than 5 years nor more than 20 years, or by both such fine and imprisonment.”