

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. O'Leary

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 Aggravated Drunk Driving.

PETITION OF:

NAME:

Mr. O'Leary

DISTRICT/ADDRESS:

Cape and Islands

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AGGRAVATED DRUNK DRIVING.

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 24 of chapter 90 of the general laws is hereby amended by striking the words “eight
2 one-hundredths or greater” in the first paragraph and inserting in place thereof the following words:-
3 “between eight one-hundredths and nineteen one hundredths”

4

5 SECTION 2. Said section 24C of said chapter 90, as so appearing, is hereby further amended by adding,
6 at the end of the first paragraph, the following: -

7

8 “Provided further, that whoever, upon any way or in any place to which the public has a right of access, or
9 upon any way or in any place to which members of the public have access as invitees or licensees,
10 operates a motor vehicle with a percentage, by weight, of alcohol in their blood of two tenths or greater,
11 shall be punished by a fine of not less than one thousand nor more than ten thousand dollars or by
12 imprisonment for not more than five years, or both such fine and imprisonment.”

13

14 SECTION 3. Section 24D of said chapter 90, as so appearing, is hereby amended by striking the words
15 “of eight one-hundredths or greater” and inserting in place thereof the following:-

16

17 "between eight one-hundredths and nineteen one-hundredths"

18

19 SECTION 4. Said section 24D of said chapter 90, as so appearing, is hereby further amended by
20 inserting, after the words "or any other jurisdiction." in the second paragraph, the following: -

21 "This section shall not apply to any person convicted of or charged with operating a motor vehicle with a
22 percentage, by weight, of alcohol in their blood of two-tenths or greater."

23

24 SECTION 5. Said section 24D of said chapter 90, as so appearing, is hereby further amended by
25 inserting at the end thereof, the following:-

26

27 "Notwithstanding any general or special law to the contrary, any person convicted of or charged with a
28 third offense of operating a motor vehicle with a percentage, by weight, of alcohol in their blood of eight
29 one-hundredths or greater, shall be deemed ineligible for the probation and hardship provisions of this
30 section."