

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Montigny, Mark (SEN)

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 Corporate Criminal Conduct.

PETITION OF:

NAME:

Montigny, Mark (SEN)

DISTRICT/ADDRESS:

Second Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CORPORATE CRIMINAL CONDUCT.

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 13 of chapter 265 of the general laws is hereby amended by adding the following
2 new section after section 13L:-

3 “Section 13M. For the purposes of this section, the following words shall have the following meanings:-

4 “Agent”, any person who works for, contracts with or receives any remuneration for work or for services
5 for a corporation, foreign corporation or other entity.

6 “Corporation”, a for profit or nonprofit domestic corporation, including its officers, directors, partners,
7 principals, trustees or other executives of these entities.

8 “Foreign corporation”, a for profit or nonprofit corporation incorporated under a law other than the
9 laws of the commonwealth that does business in the commonwealth, including its officers, directors
10 officers, partners, principals, trustees or other executives of these entities.

11 “Other entity”, any association or entity other than a domestic or foreign corporation, a domestic or
12 foreign nonprofit corporation or a governmental or quasi-governmental organization. The term

13 includes, without limitation, limited partnerships, general partnerships, limited liability partnerships,
14 limited liability companies, joint ventures, joint stock companies, business trusts and profit and not-for-
15 profit unincorporated associations including the partners, principals, officers, directors, owners, trustees
16 or members of these entities.

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

19 Any corporation, foreign corporation or other entity that wantonly or recklessly engages in
20 conduct that creates a substantial risk of serious bodily injury or death or wantonly or recklessly fails to
21 take reasonable steps to alleviate such risk shall be punished by a fine of not less than \$1,000,000 nor
22 more than \$10,000,000 if serious bodily injury results and by imprisonment in the house of correction
23 for not more than 2 ½ years, or by a fine of not less than \$10,000,000 nor more than \$50,000,000 if
24 death results and by imprisonment in the state prison for not less than 10 nor more than 25 years.

25 For the purposes of this section, such wanton or reckless behavior occurs when a corporation,
26 foreign corporation, other entity or an employee or agent of a corporation, foreign corporation or other
27 entity is aware of and consciously disregards a substantial and unjustifiable risk that his acts or
28 omissions would result in serious bodily injury or death.

29 SECTION 2. Any corporation, foreign corporation or other entity convicted under this section shall be
30 debarred from doing business in the commonwealth.