

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Walsh, Marian (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 penalties for causing death or serious bodily injury during the course of an escape or attempted escape.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Walsh, Marian (SEN)	Suffolk and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01041 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PENALTIES FOR CAUSING DEATH OR SERIOUS BODILY INJURY
DURING THE COURSE OF AN ESCAPE OR ATTEMPTED ESCAPE.

*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 1 of Chapter 265, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after the word "commission" the second time that it appears, in line 3, the
3 following words: - "of escape from lawful custody, or."

4 SECTION 2. Section 1 of Chapter 265 of the General Laws, as appearing in the 2004 Official
5 Edition, is hereby amended by inserting after line 7 the following words: -

6 Any person who commits a murder in the commission or attempted commission of an escape or
7 an attempted escape from the custody of the Department of Youth Services or any employee
8 thereof, or from any courthouse or land appurtenant thereto or from the custody of any officer of
9 such courthouse, is murder in the first degree. This provision shall apply to all persons,

10 notwithstanding the age limitations set forth in General Laws chapter 119, sections 52 to 84,
11 inclusive.

12 SECTION 3. Section 16 of Chapter 268, as appearing in the 2004 Official Edition, is hereby
13 amended by adding the following sections: -

14 Section 16B. Any person who, in the course of escape or attempt to escape from lawful custody
15 causes serious bodily injury to another, shall be punished by imprisonment in the state prison for
16 not less than fifteen nor more than twenty-five years. For purposes of this section "serious bodily
17 injury" shall mean bodily injury which created a substantial risk of death or which involves
18 either total disability or the loss or substantial impairment of some bodily function for a
19 substantial period of time.

20 Section 16C. A person who has been committed to the custody of the Department of Youth
21 Services, or who is held in custody by said department for a court appearance, who escapes or
22 attempts to escape from such custody, or from a courthouse or land appurtenant thereto, or from
23 the custody of any officer of such courthouse or employee of said department, by force or threat
24 of force, may be pursued and recaptured and shall be punished by imprisonment in the state
25 prison for not more than ten years or by imprisonment in a jail or house of correction for not
26 more than two and one-half years. This provision shall apply to all persons, notwithstanding the
27 age limitations set forth in General Laws chapter 119, sections 52 to 84, inclusive.