HOUSE DOCKET, NO. 2237 FILED ON: 1/20/2011

HOUSE . . . . . No. 2204

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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:

An Act relative to persistent violent offenders..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Marc T. Lombardo	*22nd Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
Sheila C. Harrington	*1st Middlesex*
Geoff Diehl	*7th Plymouth*
F. Jay Barrows	*1st Bristol*
Shaunna O'Connell	*3rd Bristol*
Susan Williams Gifford	*2nd Plymouth*
George T. Ross	*2nd Bristol*
Todd M. Smola	*1st Hampden*
Kevin J. Kuros	*8th Worcester*
Matthew A. Beaton	*11th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Steven L. Levy	*4th Middlesex*
Paul K. Frost	*7th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

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HOUSE . . . . . No. 2204

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2204) of Bradley H. Jones, Jr., and others relative to sentencing of persistent violent offenders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1448* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to persistent violent offenders..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 274 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 1 the following new section:—

Section 1A. (a) Any person convicted of two or more separate acts of violence when such offenses were not part of a common act, transaction or scheme shall, upon conviction of a third or subsequent act of violence, be sentenced to life imprisonment and shall not have all or any portion of the sentence suspended provided it is admitted, or found by the jury or judge before whom such offender is tried, that such offender has been previously convicted of two or more such acts of violence.

For the purposes of this section, "act of violence" means any one of the following violations:

(1) First and second degree murder, pursuant to section 1 of chapter 265;

(2) Manslaughter, pursuant to section 13 of chapter 265;

(3) Assault with intent to murder or maim, pursuant to section 15 of chapter 265; or assault with a dangerous weapon, pursuant to section 15A of chapter 265;

(4) Armed burglary, pursuant to section 14 of chapter 266;

16 (5) Criminal sexual assault and rape, pursuant to section 22 of chapter 265;

17 (6) Sex offense, sex offense involving a child, or sexually violent offense, pursuant to
18 section 178C of chapter six;

19 (7) Conspiracy pursuant to section 7 of chapter 274 to commit any of the violations
20 enumerated in items (1) to (6), inclusive, of this section.

21 (b) Prior convictions shall include convictions under the laws of any state or of the
22 United States for any offense substantially similar to those listed under "act of violence" if such
23 offense would be a felony if committed in the commonwealth.

24 (c)The commonwealth shall notify the defendant in writing, at least 30 days prior to trial,
25 of its intention to seek punishment pursuant to this section.

26 (d) Any person sentenced to life imprisonment pursuant to this section shall not be
27 eligible for parole.