HOUSE DOCKET, NO. 3040 FILED ON: 1/21/2011

HOUSE . . . . . No. 2823

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, 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 bank robberies and collection of fraudulent checks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*

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By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 2823) of Thomas A. Golden, Jr. and Angelo J. Puppolo, Jr. relative to bank robberies and collection of fraudulent checks. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to bank robberies and collection of fraudulent checks.

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. Section 40a of Chapter 93 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding after the last sentence in the first paragraph the following new sentence:- Action taken under this section may be brought before the court where either the plaintiff or defendant lives or has a place of business or employment.

SECTION 2. Section 17 of Chapter 265 of the General Laws, as so appearing, is hereby amended by striking out said section and inserting in place thereof the following new section: Whoever, being armed with a dangerous weapon, assaults another and robs, steals or takes from his person money or other property which may be the subject of larceny shall be punished by imprisonment in the state prison for life or for any term of years; provided, however, that any person who commits any offense described herein while masked or disguised or while having his features artificially distorted, shall, for the first offense be sentenced to imprisonment for not less than five years and for any subsequent offense for not less than ten years. Whoever commits any offense described herein while armed with a firearm, shotgun, rifle, machine gun or assault weapon or displays what appears to be a firearm, improvised explosive device or other deadly weapon, hypodermic needle or any other device that may cause or is intended to inflict bodily injury or commits a robbery within and against a banking institution as defined in section 1 of Chapter 167A or a credit union as defined in section 1 of Chapter 171 shall be punished by imprisonment in the state prison for not less than five years. Any person who commits a subsequent offense while armed with a firearm, shotgun, rifle, machine gun or assault weapon or displays what appears to be a firearm, improvised explosive device or other deadly weapon, hypodermic needle or any other device that may cause or is intended to inflict bodily injury or commits a robbery within and against a banking institution as defined in section 1 of Chapter 167A or a credit union as defined in section 1 of Chapter 171 shall be punished by imprisonment in the state prison for not less than 15 years.

SECTION 3.

Section 19 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection (b):- Whoever, not being armed with a dangerous weapon, by force and violence, or by assault and putting in fear, robs, steals or takes from the person of another, or from his immediate control, money or other property which may be the subject of larceny, including attempted robbery of a bank as defined in section 1 of Chapter 167A or a credit union as defined in section 1 of Chapter 171 shall be punished by imprisonment in the state prison for life or for any term of not less than 30 months.

SECTION 4.

Section 30 of Chapter 266 of the General Laws, as so appearing, is further amended by adding to the end of paragraph (1) the following new sentence:- If the larceny involved monies received through the uttering of a forged, altered or counterfeit check, draft or order for the payment of money from any bank or other depository, action may be taken before either the court having jurisdiction where the uttering took place or where the payee bank or other depository's main office is located.

SECTION 5.

Section 37 of said chapter 266 of the General Laws, as so appearing, is hereby amended by adding the following sentence to the end of said section:- Action taken under this jurisdiction where the crime was committed or where the main office of the bank or other depository are located.

SECTION 6:

Section 37E of Chapter 266 of the General Laws, as so appearing is hereby amended by inserting after subparagraph (c) the following paragraph (d):

Whoever is in unlawful possession of an identity scanning device when he or she possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving accessing a person's financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, personal identification number, mother's maiden name, computer system password, electronic signature or unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person under circumstances evincing an intent to use or knowledge that some person intends to use the same in the commission of an offense shall be guilty of identity fraud and shall be punished by a fine of not

60 more then $5,000 or imprisonment in a house of correction for not more than two and one-half
61 years, or by both such fine and imprisonment.

62 SECTION 7:

63 Section 37E of Chapter 266 is hereby further amended by renumbering subparagraph (d)
64 to (e) and subparagraph (e) to (f).