COMMONWEALTH OF MASSACHUSETTS
STATE SENATOR
MICHAEL O. MOORE
SECOND WORCESTER DISTRICT
State House, Room 215, Boston, MA 02133 (617) 722-1485

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Contact: Jason Palitsch
(617) 722-1485

SENATE PASSES LEGISLATION CRACKING DOWN ON HABITUAL OFFENDERS

Boston – The Senate on Thursday unanimously passed a tough and balanced sentencing bill that cracks down on habitual offenders and provides new tools for law enforcement to make the streets and citizens of the Commonwealth safer, announced Senator Michael O. Moore (D-Millbury). The bill included several important amendments filed by Sen. Moore on the subjects of assaulting a police officer.

The bill requires the habitual offender tag to be placed on anyone convicted of two crimes from a list of the most serious offenses, including murder, rape and kidnapping. It also closes a loophole in current law so that sentences served for federal crimes would count toward habitual offender status.

Habitual offenders would have to serve two-thirds of any sentence before becoming parole eligible. Currently, they must complete half of their sentence. Additionally, the bill mandates that any habitual offender found guilty of a third offense from the list of most serious crimes would be ineligible for parole.

"This legislation is an important update of criminal laws in the Commonwealth to ensure that, among other things, repeat offenders are addressed in such a way that keeps them off the streets and under stricter controls," said Sen. Moore. "In addition to improving public safety, the bill includes important provisions to reduce unnecessary costs in our criminal justice system.:

Three amendments filed by Sen. Moore were adopted into the final version of the bill. These included:

- An amendment which makes an attempt to disarm an on duty police officer a felony punishable by imprisonment in the state prison for not more than 10 years, or by a fine of not more than $1,000 and imprisonment in a jail or house of correction for not more than 2½ years.

- An amendment which gives police officers the ability to make decisions "on the street" to issue a civil citation for certain minor offenses, instead of seeking a criminal complaint. The types of crimes would be local bylaw violations such as littering, public drinking, trespassing and disorderly conduct. By not having to go to court to dispose of these cases, court costs and case loads can be reduced. In addition, the number of low-level offenses requiring a court appointed attorney would be reduced. This amendment will also enable municipalities to collect more revenue off of fines. Lastly, the amendment will help address the problems with enforcing the newly changed marijuana law by requiring that people give proper identification or they can be subject to arrest.

- An amendment establishing that otherwise valid pleas or convictions shall not be vacated based upon a failure to give warnings as to criminal penalties.

For anyone serving a life sentence, the bill raises the parole eligibility threshold to a two-thirds vote of the parole board from the current majority vote. Judges must set a parole-eligible date 15 to 20 years into a life sentence. Inmates serving multiple life sentences would not be eligible for parole.

The bill mandates post-release supervision of anyone convicted of a felony after the law's effective date. The bill also does the following:

- Makes a technical change to the 2008 domestic violence law, ensuring a penalty for a first offense, and creating a stiffer penalty for second/subsequent offenses;
- Establishes the crimes of assault and battery by discharging a firearm, assault with a firearm, murder for hire and strangulation;
- Establishes a "felon in possession" law prohibiting persons convicted of crimes punishable by 2½ years or more in state prison from possessing firearms;
- Increases the amount of good credit that inmates can accrue per program per month from 2½ days to 5 days; Increases the total amount of good credit that inmates can accrue in a month from 7½ days to 10 days; Allows an additional 10 days of credit where an inmate successfully completes a 6-month program; and
- Requires the Department of Correction, sheriffs and the Department of Mental Health to share medical and mental health information when transferring inmates.

To further assist law enforcement efforts, the bill also provides for a limited expansion of the state wiretapping law to include homicide, illegal possession and distribution of drugs, and illegal possession of firearms. It also updates the law to capture text messages and other electronic communications.

One addition to the bill approved on the floor during debate requires level 2 and 3 sex offenders to register in person at a local police department within two days of release.

The bill now goes to the House of Representatives for further action.

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