

HOUSE No. 1475

By Representative Golden of Lowell and Senator Panagiotakos, joint petition of Thomas A. Golden, Jr., and others relative to the penalties imposed for certain bank robberies and the collection of fraudulent checks. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Thomas A. Golden, Jr.
Steven C. Panagiotakos
Kevin J. Murphy

David M. Nangle
Patrick M. Natale

In the Year Two Thousand and Seven.

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:

1 SECTION 1. Section 40a of Chapter 93 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by adding
3 after the last sentence in the first paragraph the following new sen-
4 tence:— Action taken under this section may be brought before the
5 court where either the plaintiff or defendant lives or has a place of
6 business or employment.

1 SECTION 2. Section 17 of Chapter 265 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out said section and inserting in place thereof the following
4 new section: Whoever, being armed with a dangerous weapon,
5 assaults another and robs, steals or takes from his person money or
6 other property which may be the subject of larceny shall be punished
7 by imprisonment in the state prison for life or for any term of years;
8 provided, however, that any person who commits any offense
9 described herein while masked or disguised or while having his fea-
10 tures artificially distorted, shall, for the first offense be sentenced to
11 imprisonment for not less than five years and for any subsequent

12 offense for not less than ten years. Whoever commits any offense
13 described herein while armed with a firearm, shotgun, rifle, machine
14 gun or assault weapon or displays what appears to be a firearm,
15 improvised explosive device or other deadly weapon, hypodermic
16 needle or any other device that may cause or is intended to inflict
17 bodily injury or commits a robbery within and against a banking
18 institution as defined in section 1 of Chapter 167A or a credit union
19 as defined in section 1 of Chapter 171 shall be punished by impris-
20 onment in the state prison for not less than five years. Any person
21 who commits a subsequent offense while armed with a firearm,
22 shotgun, rifle, machine gun or assault weapon or displays what
23 appears to be a firearm, improvised explosive device or other deadly
24 weapon, hypodermic needle or any other device that may cause or is
25 intended to inflict bodily injury or commits a robbery within and
26 against a banking institution as defined in section 1 of Chapter 167A
27 or a credit union as defined in section 1 of Chapter 171 shall be pun-
28 ished by imprisonment in the state prison for not less than 15 years.

1 SECTION 3. Section 19 of said chapter 265 of the General Laws,
2 as so appearing, is hereby amended by striking out subsection (b)
3 and inserting in place thereof the following subsection (b):—
4 Whoever, not being armed with a dangerous weapon, by force and
5 violence, or by assault and putting in fear, robs, steals or takes from
6 the person of another, or from his immediate control, money or other
7 property which may be the subject of larceny, including attempted
8 robbery of a bank as defined in section 1 of Chapter 167A or a credit
9 union as defined in section 1 of Chapter 171 shall be punished by
10 imprisonment in the state prison for life or for any term of not less
11 than 30 months.

1 SECTION 4. Section 30 of Chapter 266 of the General Laws, as
2 appearing in the 2004 Official Edition as most recently amended, is
3 further amended by adding to the end of paragraph (1) the following
4 new sentence:— If the larceny involved monies received through the
5 uttering of a forged, altered or counterfeit check, draft or order for
6 the payment of money from any bank or other depository, action
7 may be taken before either the court having jurisdiction where the
8 uttering took place or where the payee bank or other depository's
9 main office is located.

1 SECTION 5. Section 37 of said chapter 266 of the General Laws,
2 as so appearing, is hereby amended by adding the following sen-
3 tence to the end of said section:— Action taken under this jurisdic-
4 tion where the crime was committed or where the main office of the
5 bank or other depository are located.

1 SECTION 6. Section 37E of Chapter 266 of the General Laws, as
2 so appearing is hereby amended by inserting after subparagraph (c)
3 the following paragraph (d):

4 Whoever is in unlawful possession of an identity scanning device
5 when he or she possesses any tool, instrument or other article
6 adapted, designed or commonly used for committing or facilitating
7 offenses involving accessing a person's financial services account
8 number or code, savings account number or code, checking account
9 number or code, brokerage account number or code, credit card
10 account number or code, debit card number or code, automated teller
11 machine number or code, personal identification number, mother's
12 maiden name, computer system password, electronic signature or
13 unique biometric data that is a fingerprint, voice print, retinal image
14 or iris image of another person under circumstances evincing an
15 intent to use or knowledge that some person intends to use the same
16 in the commission of an offense shall be guilty of identity fraud and
17 shall be punished by a fine of not more than \$5,000 or imprisonment
18 in a house of correction for not more than two and one-half years, or
19 by both such fine and imprisonment.

1 SECTION 7. Section 37E of Chapter 266 is hereby further
2 amended by renumbering subparagraph (d) to (e) and subparagraph
3 (e) to (f).