



COMMONWEALTH OF MASSACHUSETTS  
**MASSACHUSETTS SENATE**

STATE HOUSE, BOSTON 02133-1053

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JOINT COMMITTEE ON PUBLIC SAFETY AND HOMELAND SECURITY (CHAIR)

## **OVERVIEW OF S. 2242; AN ACT TO REDUCE GANG VIOLENCE IN THE COMMONWEALTH**

In October 2005 the Massachusetts State Senate passed S. 2242 (sponsored by Senator Jarrett T. Barrios and Representative Stephen Canessa) a comprehensive anti-gang bill to reduce gang violence in the Commonwealth. The bill includes provisions to crack down on witness intimidation and increased penalties for gang activities. It also included an \$11m prevention grant program which passed separately by the Legislature and signed by the Governor in December 2005.

### **WITNESS PROTECTIONS:**

- ⇒ Creates a Witness Protection Board and Witness Protection Program. Protection services may include: armed protection or escort, surveillance or periodic visits prior, during or subsequent to a criminal proceeding; relocation to an alternate residence; payment of housing or basic living expenses; and petition for a protective order against a person who is a threat to a witness. The Executive Office of Public Safety is responsible for administering both the Board and Program. Includes a \$750,000 appropriation.
- ⇒ Allows a judge to issue a protective order for the safety of any victim or witness of gang-related violence and for the prosecution of a violator of such a protective order under G.L. ch. 209A, the domestic abuse prevention statute.

### **CRACKING DOWN ON WITNESS INTIMIDATION:**

- ⇒ Broadens the crime of witness intimidation to include intimidation or interference with judges, prosecutors, law enforcement personnel and any person who is aware of information or documents that relate to a violation of a criminal statute or of the conditions of probation, parole or bail. Also includes intimidation or interference with any person who is planning to attend a criminal proceeding. Witness intimidation is further expanded to include the threat or infliction of emotional injury, economic injury or property damage. Penalty is not more than 2½ years in a house of correction or not more than 10 years in a state prison.

### **CRIMINALIZING USE OF COMMUNITY GUNS TO COMMIT CRIMES:**

- ⇒ Establishes the crime of leaving a firearm unattended with the intent to transfer possession to an unlicensed person for the purpose of committing a crime, which is punishable by imprisonment for not more than 2½ years.
- ⇒ Imposes up to an additional 2 ½ years to the sentence of anyone convicted of illegal possession of a firearm, machine gun or sawed-off shotgun when the gun is loaded. This sentence will be served after completion of the sentence for the underlying offense of illegal gun possession.
- ⇒ Increases penalty for transferring possession of a firearm or ammunition from not more than 2½ years to not less than 2 years nor more than 5 years.

## **COMBATS ILLEGAL USE OF GRAND JURY TESTIMONY:**

- ⇒ Criminalizes knowing possession of any transcript or essentially verbatim transcript of grand jury testimony without a legitimate lawful purpose and without court authorization. Such offense is punishable by up to 1 year in a house of correction or a fine of up to \$500.
- ⇒ Punishes the knowing distribution or possession with intent to distribute of any transcript or essentially verbatim description of grand jury testimony without a legitimate lawful purpose and without court authorization with up to 2 years in a house of correction or a fine of up to \$1,000.
- ⇒ Punishes such knowing distribution or possession with intent to distribute of any transcript or essentially verbatim description of grand jury testimony with intent to influence, frighten or otherwise interfere with any victim, witness or juror with up to 5 years in state prison or a fine of up to \$5,000.
- ⇒ Includes provisions to protect freedom of the press and rights of defense counsel.

## **ADDITIONAL PROVISIONS:**

- ⇒ **Adopts federal perjury standard:** Applies penalties of perjury to any defendant who has knowingly made two or more declarations under oath which are inconsistent to the degree that one of them is necessarily false. The prosecution need not specify which of the statements is false if (1) both declarations were material to the point in question; and (2) at least one declaration was made within the statute of limitations for this offense. Defendant may avoid criminal liability if he believed the inconsistent statement to be true when he made it.
- ⇒ Allows specific restrictions on a defendant's contact with a victim of the alleged crime and with any witnesses who may testify as a condition of the defendant's release on bail.

### **The full text of the bill is available at:**

<http://www.mass.gov/legis/bills/senate/st02/st02242.htm>

**For more information contact:** Senator Jarrett T. Barrios, 617.722.1650 or visit:  
[www.senatorbarrios.org/antigang.html](http://www.senatorbarrios.org/antigang.html)

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