

**HOUSE . . . . . No. 02841**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Paul McMurtry*

*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 bill:

An Act creating the police fire safety equipment fund

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>

# HOUSE . . . . . No. 02841

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 2841) of Timilty and others for legislation to authorize the courts to assess a charge to persons charged with operating under the influence and establish a fund for purchasing police and fire safety equipment Joint Committee on the Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act creating the police fire safety equipment fund

□.

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

- 1 Be it enacted by the Senate and House of Representatives in General Court assembled, and by
- 2 the authority of the same, as follows:
- 3 Section 90 of chapter 90 of the General Laws is hereby amended by inserting after the third
- 4 paragraph of subparagraph (4) of paragraph (a) of subdivision (1) the following new
- 5 subparagraph:-
- 6 (5) There shall be established and set up on the books of the commonwealth a separate fund to be
- 7 known as the Police Fire Safety Equipment Fund, the purpose of which shall be to make an
- 8 annual disbursement to state and local law enforcement for active or passive fire suppression kits
- 9 for state and municipal police cruisers to aid in the prevention of fires resulting from rear end
- 10 collisions. The fund shall be administered by the Executive Office of Public Safety and Security.

11 The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all  
12 monies transmitted to him under this section in accordance with sections 34, 34A and 38 of  
13 chapter 29 in such a manner as to secure the highest rate of return available consistent with the  
14 safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund.

15 There shall be an assessment of \$150 against a person who is convicted, placed on probation or  
16 granted a continuance without a finding or who otherwise pleads guilty to or admits to a finding  
17 of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor  
18 or under the influence of marihuana, narcotic drugs, depressants or stimulant substances,  
19 provided, however, that but \$125 of the amount collected under this assessment shall be  
20 deposited monthly by the court with the state treasurer who shall deposit it into the Police Fire  
21 Safety Equipment Fund, and the remaining amount of the assessment shall be credited to the  
22 General Fund. The assessment shall not be subject to reduction or waiver by the court for any  
23 reason.

24 Allocations from the Police Fire Safety Equipment Fund shall be made to the Executive Office  
25 of Public Safety and Security, which shall administer the distribution of said funds to the  
26 Massachusetts State Police and police departments in each municipality of the commonwealth on  
27 an annual basis. Monies shall be distributed based on the projected number of new police  
28 cruisers expected to be purchased by each state or municipal police department, as demonstrated  
29 by each agency's operating budget for that fiscal year.

30 Fees paid by an individual into the Police Fire Safety Equipment Fund pursuant to this section  
31 shall be in addition to, and not in lieu of, any other fee imposed by the court pursuant to this  
32 chapter or any other chapter. The administrative office of the trial court shall file a report

33 detailing the amount of funds imposed and collected pursuant to this section to the house and  
34 senate committees on ways and means and to the victim and witness assistance board not later  
35 than August 15 of each calendar year.