

**SENATE . . . . . No. 00822**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Mark C. Montigny*

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*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 relative to corporate criminal conduct..

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PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

# SENATE . . . . . No. 00822

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By Mr. Montigny, petition (accompanied by bill, Senate, No. 822) of Montigny for legislation relative to corporate criminal conduct [Joint Committee on the Judiciary].

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 1749 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to corporate criminal conduct..

*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 13 of Chapter 265 of the general laws is hereby amended by  
2 adding the following new section after section 13L:-

3 “Section 13M. For the purposes of this section, the following words shall have the following  
4 meanings:-

5 “Agent”, any person who works for, contracts with or receives any remuneration for work or for  
6 services for a corporation, foreign corporation or other entity.

7 “Corporation”, a for profit or nonprofit domestic corporation, including its officers, directors,  
8 partners, principals, trustees or other executives of these entities.

9 “Foreign corporation”, a for profit or nonprofit corporation incorporated under a law other than  
10 the laws of the commonwealth that does business in the commonwealth, including its officers,  
11 directors officers, partners, principals, trustees or other executives of these entities.

12 “Other entity”, any association or entity other than a domestic or foreign corporation, a domestic  
13 or foreign nonprofit corporation or a governmental or quasi-governmental organization. The  
14 term includes, without limitation, limited partnerships, general partnerships, limited liability  
15 partnerships, limited liability companies, joint ventures, joint stock companies, business trusts  
16 and profit and not-for-profit unincorporated associations including the partners, principals,  
17 officers, directors, owners, trustees or members of these entities.

18 “Serious bodily injury”, bodily injury which results in a permanent disfigurement, protracted loss  
19 or impairment of a bodily function, limb or organ, or substantial risk of death.

20 Any corporation, foreign corporation or other entity that wantonly or recklessly engages in  
21 conduct that creates a substantial risk of serious bodily injury or death or wantonly or recklessly  
22 fails to take reasonable steps to alleviate such risk shall be punished by a fine of not less than  
23 \$1,000,000 nor more than \$10,000,000 if serious bodily injury results and by imprisonment in  
24 the house of correction for not more than 2 ½ years, or by a fine of not less than \$10,000,000 nor  
25 more than \$50,000,000 if death results and by imprisonment in the state prison for not less than  
26 10 nor more than 25 years.

27 For the purposes of this section, such wanton or reckless behavior occurs when a corporation,  
28 foreign corporation, other entity or an employee or agent of a corporation, foreign corporation or  
29 other entity is aware of and consciously disregards a substantial and unjustifiable risk that his  
30 acts or omissions would result in serious bodily injury or death.

31           Section 2. Any corporation, foreign corporation or other entity convicted under this  
32 section shall be debarred from doing business in the Commonwealth.