HOUSE DOCKET, NO. 2259 FILED ON: 1/20/2011

HOUSE . . . . . No. 2238

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky and Thomas P. Conroy

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:

An Act to enhance safety and security in courthouses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David Paul Linsky	*5th Middlesex*
Paul J. Donato	*35th Middlesex*
Anne M. Gobi	*5th Worcester*
James J. Dwyer	*30th Middlesex*
George T. Ross	*2nd Bristol*
Gale D. Candaras	☐ *[District]* ☐
Thomas P. Conroy	*13th Middlesex*

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By Messrs. Linsky of Natick and Conroy of Wayland, a petition (accompanied by bill, House, No. 2238) of David Paul Linsky and others for legislation to enhance safety and security in courthouses. The Judiciary.

The Commonwealth of Massachusetts

An Act to enhance safety and security in courthouses.

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

Section 1: Chapter 265 of the General Laws, is hereby amended by inserting after section 13D the following section:

Section 13D1/4. Section 13D1/4. Whoever commits an assault or an assault and battery in or on the property owned, leased or occupied by the Massachusetts judicial department or an agency or committee thereof, including any trial or appellate court, during the time when the courts are in session or open to the public may be punished by imprisonment in the state prison for not more than three years or by imprisonment in a jail or house of correction for not more than two and one-half years, or by a fine of not more than $25,000 or by both such fine and imprisonment.

Section 2: Section 13C of chapter 268 of the General Laws, added by St. 1971, c. 524, is hereby amended by striking our the first sentence and inserting in its place the following:--

Whoever causes or actively participates in the willful disruption of proceedings of any court of the commonwealth may be punished by imprisonment in a jail or house of correction for not more than two and one half years or in state prison for not more than three years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment. Nothing in this section shall interfere with or prevent the exercise by any court of the commonwealth of its power of contempt.

Section 3: Section 4 of chapter 275 of the General Laws is hereby amended by striking out the first sentence and inserting in its place the following:--

If the person complained of is convicted, he may be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, provided that any threat to cause bodily injury to a person on account of the person's performance of official duties as a

23 judge, employee of the judicial department, including but not limited to clerk magistrates,
24 probation officers, interpreters, stenographers, and court officers, prosecutors and attorneys may
25 be punished by imprisonment in a jail or house of correction for not more than two and one half
26 years or in state prison for not more than three years, or by a fine of not more than five thousand
27 dollars, or by both such fine and imprisonment. Nothing in this section shall interfere with or
28 prevent the exercise by any court of the commonwealth of its power of contempt.

29 Explanatory Note. This proposal would make three changes in the current law to deter
30 persons from criminal conduct in court houses and against person engaged in the performance of
31 official duties in the courts, including court staff, jurors, prosecutors and attorneys, in order to
32 insure that those who work in the court system or come to our courts as jurors, witnesses, parties
33 or attorneys seeking justice or performing acts relating to the administration of justice will be
34 safe and secure.

35 Section one makes certain assaults and assault and battery offenses which are committed
36 on court property while courts are in session or open to the public felony offenses. Section two
37 increases the potential penalty for willful disruption of court proceedings from a one year
38 misdemeanor to a felony punishable by up to three years in state prison. Section three
39 establishes an enhanced penalty for certain threats to do bodily harm to court staff as well as to
40 jurors, prosecutors and attorneys, due to their performance of official duties, to a felony
41 punishable by up to three years in state prison.

42 This proposal does not establish any mandatory minimum sentences, does not restrict the
43 discretion of prosecutors, and has no fiscal impact.