HOUSE DOCKET, NO. 389 FILED ON: 1/14/2011

HOUSE . . . . . No. 426

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato Manuel deMacedo

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 relative to mandatory sentences for those committing an assault on a law enforcement officer.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	*1st Plymouth*
Stephen L. DiNatale	*3rd Worcester*
Sheila C. Harrington	*1st Middlesex*
Elizabeth A. Poirier	*14th Bristol*
Bradley H. Jones, Jr.	*20th Middlesex*
James M. Cantwell	*4th Plymouth*
Thomas J. Calter	*12th Plymouth*

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HOUSE . . . . . No. 426

By Mr. deMacedo of Plymouth, a petition (accompanied by bill, House, No. 426) of Viriato Manuel deMacedo and others relative to mandatory sentences for assaults on a law enforcement officers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *625* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to mandatory sentences for those committing an assault on a law enforcement officer.

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 15C the following new section: -

Section 15D. As used in this section, "law enforcement officer" shall mean any officer of a municipal police department, the department of the state police or the Massachusetts Bay Transportation Authority police department.

Whoever commits an assault or an assault and battery upon a law enforcement officer by discharging a firearm, while said officer is engaged in the performance of duties, and who knows or has reason to know that the individual is a law enforcement officer shall be punished by a term of imprisonment not less than 10 years up to life imprisonment in the state prison. No sentence imposed under the provisions of this paragraph shall be suspended nor shall it be for less than a mandatory minimum term of imprisonment of 10 years and a fine of not more than $150,000 may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein. Prosecutions commenced under this section shall neither be continued without a finding nor placed on file.