

HOUSE No. 2183

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 adoption of the accompanying bill:

An Act creating separate criminal offenses for assault committed with a firearm.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/21/2011</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/3/2011</i>
<i>Kevin Aguiar</i>	<i>7th Bristol</i>	<i>2/3/2011</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/4/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>

HOUSE No. 2183

By Ms. Haddad of Somerset, a petition (accompanied by bill, House, No. 2183) of Patricia A. Haddad and others relative to creating separate criminal offenses for assaults committed with firearms. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act creating separate criminal offenses for assault committed with a firearm.

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. Chapter 265 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after section 15B the following new sections:-

3 Section 15C: Assault and Battery by means of a firearm; penalties.

4 (a) Whoever commits an assault and battery upon another by discharging a firearm,
5 large capacity weapon, rifle, shotgun, sawed-off shotgun, or machine gun as defined by G.L. c.
6 140 §121 shall be punished.

7 (b) A person found guilty of section (a) above, shall be sentenced to the state prison for a
8 maximum penalty of life or no less than 10 years. The sentence imposed on such person shall
9 not be reduced to less than 10 years, nor suspended, nor shall any person convicted under this
10 subsection be eligible for probation, parole, work release, or furlough or receive any deduction
11 from his sentence for good conduct until he shall have served 10 years of such sentence;
12 provided, however, that the commissioner of correction may on the recommendation of the

warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

Section 15D: Attempted Assault and Battery by means of a firearm; penalties.

(a) Whoever attempts to commit an assault and battery upon another by means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, or machine gun as defined by G.L. c. 140 §121 shall be punished.

(b) A person found guilty of section (a) above, shall be sentenced to the state prison for a maximum penalty of 20 years but no less than 7 years. The sentence imposed on such person shall not be reduced to less than seven years, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served seven years of such sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.