

HOUSE No. 3427

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Campbell

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 increasing the penalty for breaking and entering.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Linda Campbell

15th Essex

Alan Silvia

7th Bristol

HOUSE No. 3427

By Ms. Campbell of Methuen, a petition (accompanied by bill, House, No. 3427) of Linda Campbell and Alan Silvia for legislation to increase the penalties for crimes involving breaking and entering. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act increasing the penalty for breaking and entering.

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 26 of chapter 218 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting after the word “sixteen”, in line 19, the
3 following:-

4 , 16½.

5 SECTION 2. Said section 26 of said chapter 218, as so appearing, is hereby further
6 amended by inserting after the word “nineteen”, in line 19, the following:-

7 , 20A.

8 SECTION 3. Section 16 of chapter 266 of the General Laws, as so appearing, is hereby
9 amended by inserting, after the word “not”, in line 7, the following:-

10 less than 5 years nor.

11 SECTION 4. Said chapter 266 is hereby further amended by striking out section 16A, as
12 so appearing, and inserting in place thereof the following section:-

13 Section 16A. Whoever, in the night time or day time, breaks and enters a building, ship,
14 vessel or vehicle with intent to commit a misdemeanor shall be punished by a fine of not less
15 than \$500 but not more than \$1,000 or by imprisonment for not more than 6 months, or by both
16 such fine and imprisonment.

17 SECTION 5. Said chapter 266 of the General Laws is hereby further amended by
18 inserting after section 16A the following section:-

19 Section 16A½. Whoever, in the night time or day time, breaks and enters a dwelling
20 house and commits an assault or an assault and battery on a person lawfully therein shall be
21 punished by imprisonment in the state prison for not less than 15 years or by a fine of not less
22 than \$5,000.

23 SECTION 6. Said chapter 266 is hereby further amended by striking out section 17, as
24 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

25 Section 17. Whoever, in the night time, enters without breaking, or breaks and enters in
26 the day time, a building, ship, vessel, or vehicle, with intent to commit a felony, therefore
27 committing an act of domestic terrorism, the owner or any other person lawfully therein being
28 put in fear, shall be punished by imprisonment in the state prison for not less than less than 15
29 years. Whoever commits any offense described in this section while armed with a firearm, rifle,
30 shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison
31 for not less than 15 years.

32 SECTION 7. Said chapter 266 is hereby further amended by striking out section 18, as
33 so appearing, and inserting in place thereof the following section:-

34 Section 18. Whoever, in the night time, enters a dwelling house without breaking, or
35 breaks and enters in the day time a building, ship or motor vehicle or vessel, with intent to
36 commit a felony, no person lawfully therein being put in fear, shall be punished by imprisonment
37 in the state prison for not more than 15 years or by a fine of not less than \$500 but not more than
38 \$1,000 and imprisonment in a house of correction for not more than 2 ½ years, or by both such
39 fine and imprisonment. Whoever commits any offense described in this section while armed
40 with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment
41 in the state prison for not less than 5 nor more than 15 years for the first offense and not less than
42 15 nor more than 25 years for the second offense.

43 SECTION 8. Said chapter 266 is hereby further amended by striking out section 19, as so
44 appearing, and inserting in place thereof the following section:-

45 Section 19. Whoever breaks and enters, or enters in the night time without breaking, a
46 railroad car, with intent to commit a felony, shall be punished by imprisonment in the state
47 prison for not less than 2½ nor more than 10 years or by a fine of not less than \$500 but not more
48 than \$1,000 and imprisonment in the house of correction for not more than 2½ years.

49 SECTION 9. Said chapter 266 is hereby further amended by striking out section 20A, as
50 so appearing, and inserting in place thereof the following:-

51 Section 20A. Whoever breaks and enters, or enters without breaking, a truck,
52 tractor/trailer unit, trailer, semi-trailer or freight container with intent to commit a felony, shall
53 be punished by imprisonment in the state prison for not less than 2½ nor more than 10 years or
54 by a fine of not more than \$500 but not more than \$1,000 and imprisonment in the house of
55 correction for not more than 2½ years.

56 SECTION 10. Section 25 of chapter 270 of the General Laws, as most recently amended
57 by section 47 of chapter 192 of the acts of 2012, is hereby further amended in subsection (b) by
58 inserting after the words “section 14”, the second time they appear, the following:-

59 , section 18 if armed with a firearm, rifle, shotgun, machine gun or assault weapon.