

HOUSE No. 1504

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to disarming or attempting to disarm a police officer..

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 268 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 32C. Whoever knowingly removes or attempts to remove a firearm, rifle,
4 shotgun or weapon from a police officer or law enforcement officer, acting under color of his
5 official authority, and who knows or has reasonable cause to believe that the individual is a
6 police officer or law enforcement officer shall be punished by imprisonment in a state prison for
7 no less than 3 years, nor more than 5 years or by a fine of \$1000 or by both imprisonment and
8 fine.

9 The term “police officer” or “law enforcement officer” , as used in this section, shall
10 mean a police officer or law enforcement officer in uniform, or, if out of uniform, one who has
11 identified himself by exhibiting his credentials as such police officer or law enforcement officer.

12 Whoever, after having been convicted of the offense set forth in this section, commits a
13 second or subsequent offense, shall be punished by imprisonment in state prison for no less than

14 5 years, nor more than 10 years or by a fine of \$2,500 or by both imprisonment and fine. The
15 sentence imposed on such person shall not be reduced to less than 2 years, nor suspended, nor
16 shall any person convicted under this paragraph be eligible for probation, parole, work release, or
17 furlough or receive any deduction from his sentence for good conduct until he shall have served
18 one and one-half years of such sentence; provided however, the commissioner of correction may,
19 on the recommendation of the warden, superintendent, or other person in charge of a correctional
20 institution, or the administrator of a county correctional institution, grant to said offender a
21 temporary release in the custody of an officer of such institution for the following purposes only:
22 to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to
23 obtain emergency medical services unavailable at said institution.