

HOUSE No. 4428

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act making gun law violations subject to dangerousness hearing determinations..

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 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by
2 striking out subsection (1) and inserting in place thereof the following subsection:

3 (1) The commonwealth may move, based on dangerousness, for an order of pretrial
4 detention or release on conditions for a felony offense that has as an element of the offense the
5 use, attempted use or threatened use of physical force against the person of another or any other
6 felony that, by its nature, involves a substantial risk that physical force against the person of
7 another may result, including the crimes of burglary and arson whether or not a person has been
8 placed at risk thereof, or a violation of an order pursuant to section 18, 34B or 34C of chapter
9 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209 A or section 15 or 20 of chapter
10 209C, or arrested and charged with a misdemeanor or felony involving abuse as defined in
11 section 1 of said chapter 209A or while an order of protection issued under said chapter 209A
12 was in effect against such person, an offense for which a mandatory minimum term of 3 years or
13 more is prescribed in chapter 94C, arrested and charged with a violation of section 13B of
14 chapter 268 or a third or subsequent conviction for a violation of section 24 of chapter 90, or

15 arrested and charged with a violation of paragraph (a), (c) or (m) of section 10 of chapter 269;
16 provided, however, that the commonwealth may not move for an 882 order of detention under
17 this section based on possession of a large capacity feeding device without simultaneous
18 possession of a large capacity weapon; or arrested and charged with a violation of section 10G of
19 said chapter 269.