

HOUSE No. 2843

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

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 clarifying certain penalties for felonies in correctional institutions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>1/21/2011</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>	<i>2/4/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/4/2011</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>2/4/2011</i>
<i>Susan C. Fargo</i>		<i>2/4/2011</i>

HOUSE No. 2843

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 2843) of James M. Murphy and others relative to assault, assault and battery, destruction of property and refusal to obey a lawful order within a correctional facility. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act clarifying certain penalties for felonies in correctional institutions.

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 38B of chapter 127 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby by amended by inserting after paragraph (c) the following new
3 paragraphs:

4 (d) If two or more persons in the custody of a correctional facility, including any jail,
5 house of correction or state prison, whether armed or not, are unlawfully, riotously or
6 tumultuously assembled and any such person commits an assault or an assault and battery upon
7 an officer or other employee, any volunteer or employee of a contractor in any such facility or
8 any duly authorized officer or other employee of any such facility, or upon any other inmate or
9 inmates, each person so unlawfully assembled be shall be punished by imprisonment for not less
10 than five years and not more than twenty in state prison. Said sentence shall be served
11 consecutively on and after any current sentence being served.

12 (e) If two or more persons in the custody of a correctional facility, including any jail,
13 house of correction or state prison, whether armed or not, are unlawfully, riotously or
14 tumultuously assembled and any such person destroys property of said correctional facility
15 valued at fifty dollars or more each person so unlawfully assembled be shall be punished by
16 imprisonment for not more than five years in state prison. Said sentence shall be served
17 consecutively on and after any current sentence being served.

18 (f) If two or more persons in the custody of a correctional facility, including any jail,
19 house of correction or state prison, whether armed or not, are unlawfully, riotously or
20 tumultuously assembled, each such person who refuses or neglects a lawful order issued by an
21 authorized officer, employee or contractor of said correctional facility shall be punished by
22 imprisonment for not more than 2 ½ years. Said sentence shall be served consecutively on and
23 after any current sentence being served.