

HOUSE No. 1497

The Commonwealth of Massachusetts

PRESENTED BY:

Rady Mom

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 to prohibit gunfire directed at dwelling houses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>1/14/2015</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>1/14/2015</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>	<i>1/21/2015</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>9/23/2019</i>

HOUSE No. 1497

By Mr. Mom of Lowell, a petition (accompanied by bill, House, No. 1497) of Rady Mom and others relative to the penalties for using a weapon with intent to strike a dwelling house. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to prohibit gunfire directed at dwelling houses.

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 is hereby amended by adding after Section 18C the following
2 section: -

3 Section 18D. Whoever, being armed with a firearm, rifle, shotgun, sawed-off shotgun,
4 machine gun, assault weapon, or other weapon capable of discharging a bullet or shot, discharges
5 such weapon with intent to strike a dwelling house, and as a result does strike a dwelling house,
6 shall be punished by imprisonment in the state prison for a term of not less than five years nor
7 more than twenty years; provided, however, that whoever commits said offense after having
8 been previously convicted of a felony or of a violent crime, as defined by Chapter 140, Section
9 121, shall be punished by imprisonment in the state prison for not less than ten years nor more
10 than twenty years.

11 A sentence imposed under this section shall not be reduced nor suspended, nor shall any
12 person convicted under this section be eligible for probation, parole, furlough or work release or

13 receive any deduction from his sentence for good conduct until he shall have served the
14 minimum term of such additional sentence; provided, however, that the commissioner of
15 correction may, on the recommendation of the warden, superintendent or other person in charge
16 of a correctional institution or the administrator of a county correctional institution, grant to such
17 offender a temporary release in the custody of an officer of such institution for the following
18 purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close
19 relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution.
20 Prosecutions commenced under this section shall neither be continued without a finding nor
21 placed on file. The provisions of section 87 of chapter 276 relative to the power of the court to
22 place certain offenders on probation shall not apply to any person 17 years of age or over
23 charged with a violation of this section.