

HOUSE No. 3539

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
, MA

KARYN POLITO
LIEUTENANT GOVERNOR

April 5, 2017

To the Honorable Senate and House of Representatives,

Police officers have difficult, dangerous jobs. Under current law, people who assault police officers during the course of their duties are treated the same as those who assault any other public employee. This state of the law fails to recognize the seriousness of certain assaults on police officers and the danger to the community posed by people who would assault a police officer.

Accordingly, I am submitting for your consideration “An Act Relative to Assault and Battery on a Police Officer.” This legislation changes the way that our courts will respond to assaults and batteries on police officers in three ways.

First, under current law, judges are required to release a person charged with assaulting a police officer in the line of duty without considering whether that person is a danger to the community. While not every person who commits such an assault necessarily presents a danger to the community that should result in pretrial detention, the nature of the offense is serious enough that a court should at least be permitted to ask the question. This legislation would allow judges to consider whether individuals charged with assault and battery on a police officer present a danger to the community and, in appropriate cases, hold the person pretrial.

Second, in cases where the person causes serious bodily injury to the police officer, judges will be precluded from continuing the case without a finding, placing the defendant on probation or giving the defendant a suspended sentence. These are not appropriate punishments when a person breaks a police officer’s jaw or arm, blinds an officer or causes an injury that

results in a substantial risk of death. Instead, judges will be required to impose a sentence of at least one year of incarceration in cases involving these sorts of serious injuries.

Third, in cases where the person causes serious bodily injury to the police officer, the maximum sentence will be increased to ten years in state prison.

I urge your prompt enactment of this legislation.

Respectfully submitted,

Charles D. Baker,
Governor

HOUSE No. 3539

Message from His Excellency the Governor recommending legislation relative to relative to assault and battery on a police officer. The Judiciary

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to assault and battery on a police officer.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to strengthen the statutes under which courts adjudicate the charge of assault and battery on a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 2014
2 Official Edition, is hereby amended by striking out, in line 18, the words "thirteen K" and
3 inserting in place thereof the following two figures:-

4 13D, 13K.

5 SECTION 2. Section 13D of Chapter 265 of the General Laws, as so appearing, is
6 hereby amended by adding the following paragraph:-

7 Whoever commits an assault and battery upon a police officer when such person is
8 engaged in the performance of his duties at the time of such assault and battery, causing serious
9 bodily injury, shall be punished by a term of imprisonment in the state prison for not less than 1
10 year nor more than 10 years, or house of correction for not less than 1 year nor more than 2 ½

11 years. No sentence imposed under the provisions of this section shall be for less than a
12 mandatory minimum term of imprisonment of one year and a fine of not less than \$500 nor more
13 than \$10,000 may be imposed but not in lieu of the mandatory minimum term of imprisonment.
14 A prosecution commenced under this paragraph shall not be placed on file or continued without
15 a finding and a sentence imposed upon a person convicted of violating this paragraph shall not be
16 suspended or reduced, nor shall such person be eligible for probation, parole, work release,
17 furlough or receive any deduction from his sentence for good conduct until such person shall
18 have served said mandatory minimum term of imprisonment.

19 SECTION 3. Section 58A of Chapter 276 of the General Laws, as so appearing, is
20 hereby amended by inserting after the figure “90,” in line 16, the following words:- , charged
21 with a violation of section 13D of chapter 265 in which the public employee is alleged to be a
22 police officer.