

HOUSE No. 1441

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

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 increasing penalties for discharging a firearm into a dwelling, residence, or structure where persons reside.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/18/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/23/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/30/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/1/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/1/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 1441

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 1441) of Russell E. Holmes and others relative to penalties for discharging firearms in residential dwellings. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act increasing penalties for discharging a firearm into a dwelling, residence, or structure where persons reside.

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 269 of the General Laws is hereby amended by inserting after
2 section 12F the following sections:-

3 Section 12G: Any person that discharges a firearm, as defined in section one hundred
4 and twenty-one of chapter one hundred and forty, and as a result of that discharge, strikes a
5 dwelling, residence, or structure where any person or persons reside, whether or not the dwelling,
6 residence, or structure is actually occupied at the time the firearm is discharged, shall be
7 punished by imprisonment in the state prison for not more than five years, or for not more than
8 two and one-half years in a jail or house of correction. The provisions of this section shall not
9 apply to (a) the lawful defense of life and property; or (b) any law enforcement officer acting in
10 the discharge of his duties.

11 Section 12H: Any person that discharges a firearm, as defined in section one hundred and
12 twenty-one of chapter one hundred and forty, and as a result of that discharge, strikes a public
13 park or playground, public or private accredited preschool, accredited headstart facility,
14 elementary, vocational, or secondary school, daycare facility, college, or university, shall be
15 punished by imprisonment in the state prison for not more than five years, or not more than two
16 and one-half years in a jail or house of correction. The provisions of this section shall not apply
17 to (a) the lawful defense of life and property; or (b) any law enforcement officer acting in the
18 discharge of his duties.