

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Quinn

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 passage of the accompanying bill:

An Act creating separate criminal offenses for assault committed with a firearm.

PETITION OF:

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1695 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT CREATING SEPARATE CRIMINAL OFFENSES FOR ASSAULT COMMITTED WITH A FIREARM.

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 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 15B the following new sections:-
3

4 Section 15C: Assault and Battery by means of a firearm; penalties.

5 (a) Whoever commits an assault and battery upon another by discharging a firearm, large capacity weapon,
6 rifle, shotgun, sawed-off shotgun, or machine gun as defined by G.L. c. 140 §121 shall be punished.

7 (b) A person found guilty of section (a) above, shall be sentenced to the state prison for a maximum penalty of
8 life or no less than ten (10) years. The sentence imposed on such person shall not be reduced to less than ten (10)
9 years, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work
10 release, or furlough or receive any deduction from his sentence for good conduct until he shall have served ten (10)
11 years of such sentence; provided, however, that the commissioner of correction may on the recommendation of the
12 warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under
13 this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to
14 attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service
15 unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a
16 finding nor placed on file.
17

18 Section 15D: Attempted Assault and Battery by means of a firearm; penalties.

19 (a) Whoever attempts to commit an assault and battery upon another by means of discharging a firearm, large
20 capacity weapon, rifle, shotgun, sawed-off shotgun, or machine gun as defined by G.L. c. 140 §121 shall be
21 punished.

22 (b) A person found guilty of section (a) above, shall be sentenced to the state prison for a maximum penalty of
23 twenty (20) years but no less than seven (7) years. The sentence imposed on such person shall not be reduced to less
24 than seven years, nor suspended, nor shall any person convicted under this subsection be eligible for probation,
25 parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have
26 served seven years of such sentence; provided, however, that the commissioner of correction may on the
27 recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an

28 offender committed under this subsection a temporary release in the custody of an officer of such institution for the
29 following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency
30 medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall
31 neither be continued without a finding nor placed on file.