

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 punishing assault and battery by means of a bodily substance upon correctional facility employees.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01341 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

AN ACT PUNISHING ASSAULT AND BATTERY BY MEANS OF A BODILY SUBSTANCE UPON CORRECTIONAL FACILITY EMPLOYEES.

*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 127 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by striking out section 38B and inserting in place thereof the following section:-

3 Section 38B.

4 (a) For the purposes of this section, "bodily substance" shall mean any human secretion, discharge or
5 emission including, but not limited to, blood, saliva, mucous, semen, urine or feces.

6 (b) Any person in the custody of a correctional facility, including any jail, house of correction or state
7 prison, who commits an assault or an assault and battery upon an officer or other employee, any
8 volunteer or employee of a contractor in any such facility or any duly authorized officer or other
9 employee of any such facility engaged in the transportation of a prisoner for any lawful purpose shall be
10 punished by imprisonment in the house of correction for not more than 2½ years or in state prison for

11 not more than 10 years. Such sentence shall begin from and after the expiration of any outstanding and
12 unserved sentences.

13 (c) Any person in the custody of a correctional facility, including any jail, house of correction or state
14 prison, who commits an assault or an assault and battery by means of a bodily substance upon an officer
15 or other employee, any volunteer or employee of a contractor in any such facility or any duly authorized
16 officer or other employee of any such facility engaged in the transportation of a prisoner for any lawful
17 purpose shall be punished by imprisonment in the house of correction for not more than 2 ½ years or in
18 state prison for not less than 5 years nor more than 15 years. Such sentence shall begin from and after
19 the expiration of any outstanding and unserved sentences.

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