

HOUSE No. 00426

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato Manuel deMacedo

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 relative to mandatory sentences for those committing an assault on a law enforcement officer.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|-----------------------|
| <i>Viriato Manuel deMacedo</i> | <i>1st Plymouth</i> |
| <i>Stephen L. DiNatale</i> | <i>3rd Worcester</i> |
| <i>Sheila Harrington</i> | <i>1st Middlesex</i> |
| <i>Elizabeth Poirier</i> | <i>14th Bristol</i> |
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> |
| <i>Thomas J. Calter</i> | <i>12th Plymouth</i> |

HOUSE No. 00426

By Mr. Viriato Manuel deMacedo of Plymouth, petition (accompanied by bill, House, No. 00426) of James M. Cantwell and others relative to mandatory sentences for assaults on a law enforcement officers. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 625 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to mandatory sentences for those committing an assault on a law enforcement officer.

□.

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 is hereby amended by inserting after
2 section 15C the following new section: -

3 Section 15D. As used in this section, “law enforcement officer” shall mean any officer of a
4 municipal police department, the department of the state police or the Massachusetts Bay
5 Transportation Authority police department.

6 Whoever commits an assault or an assault and battery upon a law enforcement officer by
7 discharging a firearm, while said officer is engaged in the performance of duties, and who knows

8 or has reason to know that the individual is a law enforcement officer shall be punished by a term
9 of imprisonment not less than 10 years up to life imprisonment in the state prison. No sentence
10 imposed under the provisions of this paragraph shall be suspended nor shall it be for less than a
11 mandatory minimum term of imprisonment of 10 years and a fine of not more than \$150,000
12 may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established
13 herein. Prosecutions commenced under this section shall neither be continued without a finding
14 nor placed on file.