

SENATE No. 1748

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 amending the dangerousness statute

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Montigny, Mark (SEN)	Second Bristol and Plymouth
Robert M. Koczera	11th Bristol
John F. Quinn	9th Bristol
Bruce E. Tarr	First Essex and Middlesex
Marc R. Pacheco	First Plymouth and Bristol
Kathi-Anne Reinstein	16th Suffolk
Denise Provost	27th Middlesex
Stephen R. Canessa	12th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02380 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AMENDING THE DANGEROUSNESS STATUTE.

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. Subsection (1) of Section 58A of Chapter 276 of the general laws is
2 hereby amended by inserting after the words “ninety-four C,” in line 17, the following:-
3 “or any violation of paragraphs (a), (c) or (h) of section 10 of Chapter 269, or”.

4 SECTION 2 . Subsection (3) of said section 58A of said Chapter 276, as so appearing, is
5 hereby further amended by inserting after the first sentence the following sentence:-

6 “Subject to rebuttal by the person, in a case involving any felony offense that has as an element
7 the use, attempted use, or threatened use of physical force against the person of another and
8 involves the use of a firearm, it shall be presumed that no condition or combination of conditions
9 will reasonably assure the safety of any other person or the community if the judicial officer
10 finds that there is probable cause to believe the at the person committed the offense.”

11 SECTION 3. Subsection (3) of said section 58A of said Chapter 276 is hereby further
12 amended in the second sentence after the word “exceeding” by striking out the word “ninety”
13 and inserting in place thereof the words “one hundred twenty”.
14