

HOUSE No. 02843

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

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 clarifying certain penalties for felonies in correctional institutions

□.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>

HOUSE No. 02843

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 2843) of Fargo and others relative to assault, assault and battery, destruction of property and refusal to obey a lawful order within a correctional facility Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act clarifying certain penalties for felonies in correctional institutions

□.

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: Section 38B of chapter 127 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby by amended by inserting after paragraph (c) the following new paragraphs:
- 3 (d) If two or more persons in the custody of a correctional facility, including any jail, house of
- 4 correction or state prison, whether armed or not, are unlawfully, riotously or tumultuously
- 5 assembled and any such person commits an assault or an assault and battery upon an officer or
- 6 other employee, any volunteer or employee of a contractor in any such facility or any duly
- 7 authorized officer or other employee of any such facility, or upon any other inmate or inmates,
- 8 each person so unlawfully assembled be shall be punished by imprisonment for not less than five
- 9 years and not more than twenty in state prison. Said sentence shall be served consecutively on
- 10 and after any current sentence being served.

11 (e) If two or more persons in the custody of a correctional facility, including any jail, house of
12 correction or state prison, whether armed or not, are unlawfully, riotously or tumultuously
13 assembled and any such person destroys property of said correctional facility valued at fifty
14 dollars or more each person so unlawfully assembled shall be punished by imprisonment for
15 not more than five years in state prison. Said sentence shall be served consecutively on and
16 after any current sentence being served.

17 (f) If two or more persons in the custody of a correctional facility, including any jail, house of
18 correction or state prison, whether armed or not, are unlawfully, riotously or tumultuously
19 assembled, each such person who refuses or neglects a lawful order issued by an authorized
20 officer, employee or contractor of said correctional facility shall be punished by imprisonment
21 for not more than 2 ½ years. Said sentence shall be served consecutively on and after any
22 current sentence being served.