

SENATE No. 791

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. 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 adoption 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 M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

SENATE No. 791

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 791) of Viriato M. deMacedo, Elizabeth A. Poirier, Robert L. Hedlund, Donald F. Humason, Jr. and others relative to mandatory sentences for committing assaults on a law enforcement officers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3239 OF 2013-2014.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
—————

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
4 a 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, rifle, shotgun, sawed-off shotgun, assault weapon, or covert weapon while
8 said officer is engaged in the performance of duties, and who knows or has reason to know that
9 the individual is a law enforcement officer shall be punished by a term of imprisonment not less

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