

precincts, registered voters in all precincts shall elect town meeting members as provided for in the first paragraph.

Approved February 21, 2002.

**Chapter 35. AN ACT RELATIVE TO THE CRIMES OF ASSAULT AND BATTERY AND ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 265 of the General Laws is hereby amended by striking out section 13A, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:-

Section 13A. (a) Whoever commits an assault or an assault and battery upon another shall be punished by imprisonment for not more than 2½ years in a house of correction or by a fine of not more than \$1,000.

A summons may be issued instead of a warrant for the arrest of any person upon a complaint for a violation of any provision of this subsection if in the judgment of the court or justice receiving the complaint there is reason to believe that he will appear upon a summons.

(b) Whoever commits an assault or an assault and battery:

(i) upon another and by such assault and battery causes serious bodily injury;

(ii) upon another who is pregnant at the time of such assault and battery, knowing or having reason to know that the person is pregnant; or

(iii) upon another who he knows has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, section 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault or assault and battery; shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) For the purposes of this section, "serious bodily injury" shall mean bodily injury that results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

**SECTION 2.** Section 15A of said chapter 265, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following 3 subsections:-

(b) Whoever commits an assault and battery upon another by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than 10 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

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(c) Whoever:

(i) by means of a dangerous weapon, commits an assault and battery upon another and by such assault and battery causes serious bodily injury;

(ii) by means of a dangerous weapon, commits an assault and battery upon another who is pregnant at the time of such assault and battery, knowing or having reason to know that the person is pregnant;

(iii) by means of a dangerous weapon, commits an assault and battery upon another who he knows has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, section 34B or section 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault and battery; or

(iv) is 17 years of age or older and, by means of a dangerous weapon, commits an assault and battery upon a child under the age of 14; shall be punished by imprisonment in the state prison for not more than 15 years or in the house of correction for not more than 2½ years, or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(d) For the purposes of this section, "serious bodily injury" shall mean bodily injury which results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

Approved February 21, 2002.

**Chapter 36. AN ACT AUTHORIZING CERTAIN MILITARY PERSONNEL TO RECEIVE GROUP INSURANCE DISCOUNTS.**

*Be it enacted, etc., as follows:*

The fourth paragraph of section 193R of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 60, the word "and",- and by striking out clause (8) and inserting in place thereof the following 2 clauses:- (8) that such trade union, association, or organization shall have a constitution and by-laws and be formed in good faith for purposes other than that of obtaining insurance and; (9) that notwithstanding clauses (1) to (8), inclusive, a group marketing plan shall include any system, design or plan whereby motor vehicle or homeowner insurance is offered pursuant to a group marketing plan filed with the commissioner by an insurer that, without a sponsoring entity, limits the issuance or renewal of motor vehicle or homeowner insurance to persons who became policyholders of the insurer while engaged in military service.

Approved February 21, 2002.

**Chapter 37. AN ACT CLARIFYING THE DEFINITION OF PHYSICIAN.**

*Be it enacted, etc., as follows:*