

HOUSE No. 438

By Mr. Driscoll of Boston, petition of Charles D. Driscoll for legislation relative to the crime of breaking and entering. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT RELATIVE TO THE CRIME OF BREAKING AND ENTERING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Sections fourteen, fifteen, sixteen, sixteen A, seven^d
2 teen, eighteen and nineteen of chapter two hundred
3 and sixty-six of the General Laws are hereby repealed
4 and the following five new sections are added: —

5 *Section 14.* Whoever in the night time or day
6 time breaks and enters or enters without breaking a
7 building, ship, vessel, railroad car, dwelling house,
8 apartment or a room in an inn, lodging house, boarding
9 house or office, with intent to commit a felony, or
10 whoever after having entered with such intent, any
11 person being then lawfully therein, and the offender
12 being armed with a dangerous weapon at the time of
13 such breaking or entry or so arming himself in such
14 building, ship, vessel, railroad car, dwelling house,
15 apartment, room or office, or making an actual assault
16 on a person lawfully therein, shall be punished by im-

17 imprisonment in the state prison for life or for any term
18 of not less than two and one half years.

19 *Section 15.* Whoever in the night time breaks and
20 enters, or enters without breaking a building, ship,
21 vessel, railroad car, dwelling house, apartment or
22 room in an inn, lodging house, boarding house or
23 office with intent to commit any felony except larceny,
24 shall be punished by imprisonment in the state prison
25 for not more than twenty years, and, if he shall have
26 been previously convicted of any crime named in this
27 or the preceding section for not less than five years.

28 *Section 16.* Whoever in the day time breaks and
29 enters, or enters without breaking a building, ship,
30 vessel, railroad car, dwelling house, apartment, room
31 in a lodging house, boarding house or office, with in-
32 tent to commit any felony except larceny, shall be
33 punished by imprisonment in the state prison for not
34 more than ten years, or by a fine of not more than five
35 hundred dollars and imprisonment in a jail or house of
36 correction for not more than two and one half years
37 or both.

38 *Section 17.* 1. Whoever breaks and enters, or
39 enters without breaking in the day time or night time
40 a building, ship, vessel, railroad car, dwelling house,
41 apartment, room in an inn, lodging house, boarding
42 house or office and commits larceny therein, and
43 steals therein property of a value exceeding one hun-
44 dred dollars shall be punished by imprisonment in
45 the state prison for a term not exceeding five years
46 or imprisonment in a jail or house of correction for a
47 term not exceeding two and one half years or by a
48 fine not exceeding five hundred dollars or both.

49 2. If the value of the property stolen does not ex-
50 ceed one hundred dollars he shall be punished by im-

51 imprisonment in a jail or house of correction for a term
52 not exceeding two and one half years or by a fine of
53 not more than one hundred dollars or both.

54 *Section 18.* Whoever breaks and enters or enters
55 without breaking in the day time or night time a
56 building, ship, vessel, railroad car, dwelling house,
57 apartment, room in an inn, lodging house, boarding
58 house or office, with any intent other than mentioned
59 in preceding sections, shall be punished by imprison-
60 ment in a jail or house of correction for a term not
61 exceeding two years or by a fine not exceeding five
62 hundred dollars or both.

