

By Mr. Flaherty of Boston, petition of Michael F. Flaherty and others relative to the penalty for persons who commit an assault and battery upon law enforcement officers and fire fighters in the performance of their duties. The Judiciary.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE PENALTY FOR PERSONS WHO COMMIT AN ASSAULT AND BATTERY UPON LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS IN THE PERFORMANCE OF THEIR DUTIES.

*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  
2 amended by striking out section 13D, as amended by chapter 839  
3 of the acts of 1973, and inserting in place thereof the following  
4 section: —

5 *Section 13D.* Whoever assaults, wilfully obstructs, interferes  
6 with or hinders a duly constituted law enforcement officer, or  
7 firefighter of the commonwealth of Massachusetts or any of its  
8 political subdivisions, while in the performance of his official  
9 duty, and whoever resists a lawful arrest, shall be punished by  
10 imprisonment in a jail or house of correction for a period of not  
11 less than six months nor more than one year. The sentence  
12 imposed on such person shall not be reduced to less than six  
13 months, nor suspended, nor shall any such person be eligible for  
14 probation, parole, or furlough or receive any reduction in  
15 sentence for good behavior, unless he shall have served at least six  
16 months of such sentence. Prosecutions commenced under this  
17 section shall not be continued without a finding or placed on file.

1 SECTION 2. Said chapter 265 is hereby further amended by  
2 inserting after section 13G the following section: —

3     *Section 13H.* Whoever commits an assault and battery upon  
4 any duly constituted law enforcement officer or firefighters of the  
5 Commonwealth of Massachusetts or any of its political  
6 subdivisions, while in the performance of his official duty, shall  
7 be imprisoned in the State Prison for not less than two and one-  
8 half years nor more than five years, or for not less than one year  
9 nor more than two and one-half years in a jail or house of  
10 correction. The sentence imposed upon such person shall not be  
11 reduced to less than one year, nor suspended, nor shall any  
12 person so sentenced be eligible for parole, probation or furlough,  
13 or receive any deduction from his sentence for good conduct,  
14 until he shall have served at least one year of such sentence.  
15 Prosecutions commenced under this section shall not be  
16 continued without a finding or placed on file.