

By Mr. White of Boston, petition of Newman Flanagan, Michael F. Flaherty and W. Paul White relative to increasing the penalties for the crime of armed assault in a dwelling house. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING INCREASED PENALTIES FOR SUBSEQUENT CONVICTIONS OF ARMED ASSAULT IN A DWELLING HOUSE; INELIBILITY FOR PAROLE, PROBATION, FURLOUGH.

1 *Whereas*, The deferred operation of this act would tend to defeat  
2 its purpose, which is to increase the punishment for the crime of  
3 armed assault in a dwelling, therefore it is hereby declared to be an  
4 emergency law, necessary for the immediate preservation of the  
5 public convenience.

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

1 Chapter 265 of the General Laws, as most recently amended by  
2 chapter 473 of the acts of 1969, is hereby amended by striking out  
3 Section 18A and inserting in place thereof the following section: —

4 *Section 18A.* Whoever, being armed with a dangerous weapon,  
5 enters a dwelling house and while therein assaults another with  
6 intent to commit a felony shall be punished by imprisonment in the  
7 state prison for life, or for a term of not less than ten years.

8 The minimum sentence imposed under any provision of this  
9 section shall not be suspended, nor shall any person convicted  
10 under this section be eligible for probation, parole, or furlough or  
11 receive any deduction from his sentence for good conduct until he  
12 shall have served five years of such sentence. Prosecutions com-

13 menced under this section shall neither be continued without a  
14 finding nor placed on file.

15     Whoever, after having been convicted of the offense set forth in  
16 this section commits a like offense, shall be punished by imprison-  
17 ment in the state prison for not less than ten years nor more than  
18 life; for a third such offense, by imprisonment in the state prison for  
19 not less than life. The sentence imposed upon a person who after a  
20 conviction of an offense under this section commits the same or a  
21 like offense, shall not be suspended, nor shall any person so sen-  
22 tenced be eligible for probation or receive any deduction from his  
23 sentence for good conduct.