

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 732) of Joseph F. Timilty for legislation to provide for mandatory sentences of imprisonment for the commission of violent crimes by repeat and habitual offenders and for the prevention of serious crimes. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR MANDATORY SENTENCES OF IMPRISONMENT FOR THE COMMISSION OF VIOLENT CRIMES BY REPEAT AND HABITUAL OFFENDERS AND FOR THE PREVENTION OF SERIOUS CRIMES.

*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. Section 15 of Chapter 265 of the Massachusetts  
2 General Laws is hereby amended by substituting the following  
3 new section:—

4 Whoever assaults another with intent to commit murder, or  
5 to maim or disfigure his person in any way described in the  
6 preceding section, shall be punished by imprisonment in the  
7 state prison for not more than ten years or by a fine of not  
8 more than one thousand dollars and imprisonment in jail for  
9 not more than two and one half years and for a second or  
10 subsequent offense by imprisonment in the state prison for  
11 not less than one year nor more than ten years. The imposition  
12 or execution of this sentence shall not be suspended and no  
13 probation or parole granted until the minimum imprisonment  
14 herein provided for such offense shall have been served.

1 SECTION 2. Section 15A of Chapter 265 of the Massachusetts  
2 General Laws is hereby amended by substituting the following  
3 new section:—

4 Whoever commits assault and battery upon another by  
5 means of a dangerous weapon shall be punished by imprison-  
6 ment in the state prison for not more than ten years or by a  
7 fine of not more than one thousand dollars or imprisonment  
8 in jail for not more than two and one half years; and for a

9 second or subsequent offense by imprisonment for a term of not  
10 less than one nor more than ten years in a state prison. The  
11 imposition or execution of this sentence shall not be suspended  
12 and no probation or parole granted until the minimum im-  
13 prisonment herein provided for such offense shall have been  
14 served.

1 SECTION 3. Section 17 of Chapter 265 of the Massachusetts  
2 General Laws is hereby amended by substituting the following  
3 new section:—

4 Whoever, being armed with a dangerous weapon, assaults  
5 another and robs, steals or takes from his person money or  
6 other property which may be the subject of larceny shall be  
7 punished by imprisonment in the state prison for life or for  
8 any term of years, provided, however, that any person who  
9 commits any offense described herein while masked or dis-  
10 guised or while having his features artificially distorted shall,  
11 for the first offense be sentenced to imprisonment for not less  
12 than five years and for any second subsequent offense not less  
13 than ten years. The imposition of this sentence shall not be  
14 suspended and no probation or parole granted until the mini-  
15 mum imprisonment herein provided for such offense shall have  
16 been served.

1 SECTION 4. Section 14 of Chapter 266 is hereby amended by  
2 substituting the following new section:—

3 Whoever breaks and enters a dwelling house in the night  
4 time, with intent to commit a felony, or whoever, after having  
5 entered with such intent, breaks such dwelling house in the  
6 night time, any person being then lawfully therein, and the  
7 offender being armed with a dangerous weapon at the time of  
8 such breaking or entry, or so arming himself in such house,  
9 or making an actual assault on a person lawfully therein, shall  
10 be punished by imprisonment in the state prison for life or for  
11 any term of not less than ten years. The sentence imposed  
12 upon a person who, after being convicted of any offense men-  
13 tioned, in this section, commits the like offense, or any other  
14 of the offenses therein mentioned, shall not be suspended, nor  
15 shall he be placed on probation. And for a second and subse-

16 quent such offense shall be punished by imprisonment for a  
17 term of not less than one year nor more than twenty years in  
18 a state prison. The imposition or execution of this sentence  
19 shall not be suspended and no probation or parole granted un-  
20 til the minimum imprisonment herein provided for such of-  
21 fense shall have been served.

