

# HOUSE . . . . . No. 700

By Mr. Howarth of Springfield, petition of Robert L. Howarth relative to the penalty for the use of firearms while committing a felony. Criminal Justice.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE USE OF FIREARMS WHILE COMMITTING A FELONY.

*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
- 2 by chapter 830 of the acts of 1974, is hereby amended by striking
- 3 section 18B and inserting the following new section: —
- 4 Section 18B. Whoever while committing an offense which may
- 5 be punished by imprisonment in the state prison uses a firearm,
- 6 rifle, shotgun or machine gun shall, in addition to the penalty for
- 7 such offense, be punished by imprisonment in the state prison for
- 8 not less than five years, which sentence shall not be suspended
- 9 nor shall such person be paroled prior to the expiration of such
- 10 additional sentence. This section shall not apply in the case of any
- 11 felony in which the offense consists in whole or in part of using
- 12 a dangerous weapon.

