

SENATE No. 673

By Mr. Alymer, a petition (accompanied by bill, Senate, No. 573) of John F. Aylmer and Robert A. Hall for legislation to provide for mandatory imprisonment for conviction of assault in a dwelling house with a firearm, rifle, shotgun, or machinegun. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR MANDATORY IMPRISONMENT FOR CONVICTION OF ASSAULT IN A DWELLING HOUSE WITH A FIREARM, RIFLE, SHOTGUN, OR MACHINEGUN.

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 eighteen A of Chapter two hundred and
2 sixty-five of the General Laws is hereby amended by inserting
3 after the word "weapon" the following: —
4 "other than rifle, shotgun, machinegun or firearm, as de-
5 fined in Section one hundred and twenty-one of Chapter one
6 hundred and forty of the General Laws,"

1 SECTION 2. Section eighteen A of Chapter two hundred and
2 sixty-five of the General Laws is hereby further amended by
3 inserting after the first paragraph, the following para-
4 graph: —

5 Whoever being armed with a rifle, shotgun, machinegun, or
6 firearm as defined by Section one hundred and twenty-one of
7 Chapter one hundred and forty; loaded or unloaded, enters a
8 dwelling house and while therein assaults with such weapon
9 another with intent to commit a felony shall be punished by
10 imprisonment in the state prison for life, or for a term of not
11 less than five years. The sentence imposed upon such person
12 shall not be reduced to less than five years, nor suspended,
13 nor shall any person so sentenced be eligible for probation,
14 parole, or furlough, or receive any deduction from his sentence

15 for good conduct until he shall have served at least five years
 16 of such sentence. Prosecution commenced under this section
 17 shall not be continued without a finding or placed on file.