

By Mr. Moore of Uxbridge, petition of the Gun Owners' Action League, Richard T. Moore, other members of the General Court and another for legislation to establish penalties for crimes of violence and drug trafficking. Criminal Justice.

The Commonwealth of Massachusetts

Petition signed by:

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

AN ACT ESTABLISHING PENALTIES FOR CRIMES OF VIOLENCE AND DRUG TRAFFICKING.

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 269 of the General Laws is hereby amended by adding
2 the following new section: —

3 Section 10E. (a) For purposes of this section, the term “drug
4 trafficking crime” shall mean any felony punishable under
5 Sections 31 through 34 of Chapter 94C of the Massachusetts
6 General Laws.

7 For purposes of this section the term “crime of violence” shall
8 mean any offense that is a felony and —

9 (1) has as an element the use, attempted use, or threatened use
10 of physical force against the person or property of another, or

11 (2) that by its nature, involves a substantial risk that physical
12 force against the person or property of another may be used in
13 the course of committing the offense.

14 (b) Whoever, during and in relation to any crime of violence
15 or drug trafficking crime (including a crime of violence or drug
16 trafficking crime which provides for an enhanced punishment if
17 committed by the use of a deadly or dangerous weapon or device),
18 uses or carries a firearm, rifle or shotgun, shall, in addition to the
19 punishment provided for such crime of violence or drug
20 trafficking crime, be sentenced to imprisonment for five years, and
21 if said firearm, rifle or shotgun is a machinegun, or is equipped
22 with a silencer or muffler, to imprisonment for ten years. In the

23 case of his second or subsequent conviction under this section,
24 such person shall be sentenced to imprisonment for twenty years,
25 and if said firearm, rifle or shotgun is a machinegun, or is equipped
26 with a silencer or muffler, to imprisonment for life imprisonment
27 without release.

28 Sentences imposed under this section shall not be reduced, nor
29 suspended, nor shall any person convicted under this section be
30 eligible for probation, parole, or furlough or receive any deduction
31 from his sentence for good conduct, nor shall the term of
32 imprisonment imposed under this section run concurrently with
33 any other term of imprisonment including that imposed for the
34 crime of violence or drug trafficking crime in which the firearm,
35 rifle, shotgun or machinegun was used or carried.

36 (c) Whoever, with the intent to engage in conduct which is
37 punishable under Sections 31 through 34 of Chapter 94C of the
38 Massachusetts General Laws, or any State law relating to any
39 controlled substance or which constitutes a crime of violence (as
40 defined in this section), acquires, transfers, or attempts to acquire
41 or transfer, a firearm, rifle, shotgun or machinegun in furtherance
42 of such purpose, shall be imprisoned for not more than ten years.

43 (d) Whoever knowingly transfers a firearm, rifle, shotgun or
44 machinegun, knowing that such firearm, rifle, shotgun or
45 machinegun, will be used to commit a crime of violence (as defined
46 in this section) or drug trafficking crime (as defined in this section)
47 shall be imprisoned for not more than ten years.

