

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., relative to the penalty for assault with a firearm, rifle or shotgun. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE SENTENCING PROVISIONS FOR CRIMES COMMITTED WHILE ARMED WITH A FIREARM, RIFLE OR SHOTGUN.

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 17 of Chapter 265 of the Massachusetts General Laws,
2 as most recently amended by Section 1 of Chapter 406 of the Acts
3 of 1952, is hereby further amended by striking out Section 17 in its
4 entirety and replacing it with the following section: —

5 *Section 17.* Whoever, being armed with a dangerous weapon,
6 assaults another and robs, steals or takes from his person money or
7 other property which may be the subject of larceny shall be pun-
8 ished by imprisonment in the state prison for life or for any term of
9 years; provided, however, that any person who commits any
10 offense described herein while masked or disguised or while having
11 his features artificially distorted, or that any person who commits
12 any offense described herein while armed with a firearm, rifle or
13 shotgun shall, for the first offense be sentenced to imprisonment
14 for not less than five years and for any subsequent offense for not
15 less than ten years. Any sentence imposed by the court on a person
16 convicted under this section for a second or subsequent offense
17 shall not be suspended nor shall any person convicted under this
18 section for a second or subsequent offense be placed on probation.

