

By Mr. Galvin of Boston, petition of William F. Galvin for legislation to increase the penalties for breaking glass in buildings. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE PENALTIES FOR BREAKING GLASS IN BUILDINGS.

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. Chapter 266 of the Acts is hereby amended by
2 striking out Section 114, as appearing in the Tercentenary Edition,
3 and inserting in place thereof the following section: —

4 *Section 114.* Whoever willfully and maliciously breaks down,
5 injures, mars or defaces a fence belonging to or enclosing land
6 which is not his own or willfully and maliciously throws down or
7 open, or maliciously and injuriously severs from the freehold of
8 another any produce thereof or anything attached thereto shall be
9 punished by imprisonment for not more than six months or by a
10 fine of not more than five hundred dollars.

1 SECTION 2. Chapter 266 of the Acts is hereby amended by
2 striking out section 127, as most recently amended by Chapter 544 of
3 the acts of 1978, and inserting in place thereof the following
4 section: —

5 *Section 127b.* Whoever destroys or injures the personal prop-
6 erty, dwelling house, or building of another, or breaks glass in a
7 building which is not his own in any manner or by any means not
8 particularly described or mentioned in this chapter shall, if such
9 destruction or injury is willful and malicious, be punished by
10 imprisonment in the state prison for not more than ten years or by a
11 fine of three thousand dollars or three times the value of the
12 property so destroyed or injured, whichever is greater and impris-
13 onment in jail for not more than three years; or if such destruction

14 is wanton, shall be punished by a fine of fiteen hundred dollars or
15 three times the value of the property so destroyed or injured,
16 whichever is greater, or by imprisonment for not more than three
17 years; if the value of the property so destroyed or injured is not
18 alleged to exceed one hundred dollars, the punishment shall be by a
19 fine of three times the value of the damage or injury to such
20 property or by imprisonment for not more than three months;
21 provided, however, that where a fine is levied pursuant to the value
22 of the property or injured, the court shall, after conviction, conduct
23 an evidentiary hearing to ascertain the value of the property so
24 destroyed or injured.