

SENATE No. 128

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 128) of Michael J. Barrett, David B. Cohen, Robert C. Lawless, Salvatore F. DiMasi and other members of the General Court for legislation relative to assault and battery for the purpose of intimidation because of a person's sexual orientation. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four

AN ACT RELATIVE TO CERTAIN CRIMES COMMITTED FOR THE PURPOSE OF INTIMIDATION.

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 appearing in the 1990
2 Official Edition, is hereby amended by striking out section 39,
3 as so appearing, and inserting in place thereof the following
4 section: —

5 Section 39. Whoever commits an assault or assault and battery
6 upon a person or damages the real or personal property of another
7 for the purpose of intimidating a person because of said person's
8 race, color, religion, national origin or sexual orientation shall be
9 punished by a fine of not more than five thousand dollars or by
10 imprisonment in a house of correction for not more than two and
11 one-half years, or both.

12 The court may order restitution in any amount up to three times
13 the property damages sustained by the victim.

14 For the purposes of this section the term sexual orientation
15 shall mean having an orientation for or being identified as having
16 an orientation for heterosexuality, bisexuality, or homosexuality.

