

By Mr. Poirier of North Attleborough, petition of Kevin Poirier for legislation to increase the penalty for repeat convicted felons. Criminal Justice.

**The Commonwealth of Massachusetts**

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

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 Section 18B of Chapter 265 of the General Laws as appearing  
2 in the 1988 Official Edition is hereby amended by striking out  
3 lines 1-18 and inserting in place thereof the following:—

4 “Whoever while committing an offense which may be punished  
5 by imprisonment in the state prison uses or carries a firearm, rifle  
6 or shotgun shall, in addition to the penalty for such offense, be  
7 punished by imprisonment in the state prison for not less than five  
8 years nor more than ten years. Whoever has committed an offense  
9 which may be punished by imprisonment in the state prison and  
10 used or carried therein a firearm, rifle or shotgun and who there-  
11 after commits a second or subsequent offense which may be pun-  
12 ished by imprisonment in the state prison and uses or carries a  
13 firearm, rifle or shotgun therein shall, in addition to the penalty  
14 for such offense, be punished by imprisonment in the state prison  
15 for ten years.

16 Whoever while committing an offense which may be punished  
17 by imprisonment in the state prison uses or carries a machine gun  
18 shall, in addition to the penalty for such offense, be punished by  
19 imprisonment in a state prison for not less than ten years, nor  
20 more than fifteen years. Whoever has committed an offense which  
21 may be punished by imprisonment in the state prison and used or

22 carried therein a machine gun and who thereafter commits a sec-  
23 ond or subsequent offense which may be punished by imprison-  
24 ment in the state prison or uses or carries a machine gun therein  
25 shall, in addition to the penalty for such offense, be punished by  
26 imprisonment in the state prison for not less than fifteen years, nor  
27 more than twenty years.

28 This section shall not apply in the case of any felony in which  
29 the offense consists in whole or in part of using a dangerous  
30 weapon.

31 Sentences imposed under this section shall not be reduced, nor  
32 suspended, nor shall any person convicted under this section be  
33 eligible for probation, or furlough or receive any deduction from  
34 his sentence for good conduct, nor shall such person be paroled  
35 prior to the expiration of such additional sentence, nor shall the  
36 term of imprisonment imposed under this section run concurrently  
37 with the term of imprisonment imposed for the underlying felony  
38 in which the firearm, rifle, shotgun, or machine gun was used or  
39 carried, excepting that a judge may impose concurrent sentences  
40 in accordance with Section 8 of Chapter 279 of the General Laws  
41 provided that the sentencing judge includes in the record findings  
42 relative thereto.”