

By Mr. Haley of Weymouth, petition of Paul R. Haley for legislation to further regulate the penalty for entering a dwelling house in the nighttime and breaking and entering in the daytime. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT TO FURTHER REGULATE THE PENALTY FOR ENTERING A DWELLING HOUSE IN THE NIGHTTIME AND BREAKING AND ENTERING IN THE DAYTIME.

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 is hereby amended by striking out
2 section 18 and inserting in place thereof the following sections: —

3 Section 18. Whoever, in the nighttime enters a dwelling house
4 without breaking, shall be punished by imprisonment in the state
5 prison for not more than ten years or by a fine of not more than
6 five hundred dollars and imprisonment in jail for not more than
7 two years.

8 Any person convicted of violating this section after one or
9 more prior convictions of entering a dwelling house in the night-
10 time without breaking, shall be punished by imprisonment in the
11 state prison for not more than fifteen years, or for not less than
12 one year nor more than two and one-half years in a jail or house
13 of correction and a fine of not more than five thousand dollars.

14 Prosecutions commenced under this section shall neither be
15 continued without a finding nor place on file.

16 Section 18A. Whoever, breaks and enters in the daytime a
17 building, ship or vessel, with the intent to commit a felony, no
18 person lawfully therein being put in fear shall be punished by
19 imprisonment in the state prison for not more than ten years or by
20 a fine of not more than five hundred dollars and imprisonment in
21 jail or the house of correction for not more than two years.

22 Any person convicted of violating this section after one or more
23 prior convictions of breaking and entering in the daytime a
24 building, ship or vessel, with the intent to commit a felony, no
25 person lawfully therein being put in fear shall be punished by
26 imprisonment in the state prison for not more than ten years or for
27 not less than one year nor more than two and one-half years in a
28 jail or house of correction and a fine of not more than five thou-
29 sand dollars.

1 SECTION 2. Section 26 of Chapter 218 of the General Laws is
2 hereby amended by inserting in line 15 after the word "eighteen"
3 the words "eighteen-A".