

By Ms. Donovan of Woburn, petition of Carol A. Donovan, other members of the General Court and another relative to the crime of assault and battery. Criminal Justice.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO THE CRIMES OF ASSAULT AND BATTERY AND
ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON.

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 265 of the General Laws is hereby
2 amended by striking out section 13A, as appearing in the 1996
3 Official Edition, and inserting in place thereof the following
4 section:—

5 “Section 13A. (a) Whoever commits an assault or an assault
6 and battery upon another shall be punished by imprisonment for
7 not more than two and one-half years in a house of correction or
8 by a fine of not more than one thousand dollars.

9 (b) Whoever commits an assault or an assault and battery:
10 (i) upon another and by such assault and battery causes serious
11 bodily injury; or (ii) upon another who is pregnant at the time of
12 such assault and battery, knowing or having reason to know that
13 the person is pregnant; or (iii) upon another who he knows has an
14 outstanding temporary or permanent vacate, restraining, or no-
15 contact order or judgment issued pursuant to section eighteen,
16 thirty-four B or thirty-four C of chapter two hundred and eight,
17 section thirty-two of chapter two hundred and nine, section three,
18 four or five, chapter two hundred and nine A, or section fifteen or
19 twenty of chapter two hundred and nine C, in effect against him at
20 the time of such assault and battery, shall be punished by impris-
21 onment in state prison for not more than five years or in the house
22 of correction for not more than two and one-half years, or by a

23 fine of not more than five thousand dollars, or by both such fine
24 and imprisonment.

25 (c) For the purposes of this section, “serious bodily injury,”
26 means bodily injury which results in a permanent disfigurement,
27 protracted loss or impairment of a bodily function, limb or organ,
28 or a substantial risk of death.”

1 SECTION 2. Section 15A of chapter 265 of the General Laws,
2 as appearing in the 1996 Official Edition, is hereby amended by
3 striking out paragraph (b) and inserting in place thereof the
4 following paragraphs:—

5 “(b) Whoever commits assault and battery upon another by
6 means of a dangerous weapon shall be punished by imprisonment
7 in the state prison for not more than ten years or in the house of
8 correction for not more than two and one-half years, or by a fine
9 of not more than five thousand dollars, or by both such fine and
10 imprisonment.

11 (c) Whoever, by means of a dangerous weapon, commits
12 an assault and battery: (i) upon another and by such assault and
13 battery causes serious bodily injury; or (ii) upon another who is
14 pregnant at the time of such assault and battery, knowing or
15 having reason to know that the person is pregnant; or (iii) upon
16 another who he knows has an outstanding temporary or permanent
17 vacate, restraining, or no-contact order or judgment issued pur-
18 suant to section eighteen, thirty-four B or thirty-four C of chapter
19 two hundred and eight, section thirty-two of chapter two hundred
20 and nine, section three, four or five, chapter two hundred and
21 nine A, or section fifteen or twenty of chapter two hundred and
22 nine C, in effect against him at the time of such assault and bat-
23 tery, shall be punished by imprisonment in state prison for not
24 more than fifteen years or in the house of correction for not more
25 than two and one-half years, or by a fine of not more than ten
26 thousand dollars, or by both such fine and imprisonment.

27 (d) For the purposes of this section, ‘serious bodily injury,’
28 means bodily injury which results in a permanent disfigurement,
29 protracted loss or impairment of a bodily function, limb or organ,
30 or a substantial risk of death.”

1 SECTION 3. This act shall take effect upon its passage.