
By Mr. Mariano of Quincy, petition of Ronald Mariano, Michael G. Bellotti and Joseph C. Sullivan for legislation to establish the crime and penalty for home invasion. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE CRIME OF HOME INVASION.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose which is to immediately establish the crime of
3 home invasion, therefore it is hereby declared to be an emergency
4 law, necessary for the immediate preservation of the public
5 convenience.

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 is hereby amended by
2 inserting after section 18B the following section: —
3 Section 18C. Whoever, without authority, knowingly enters the
4 dwelling place of another when he knows or has reason to know
5 that one or more persons is present or he knowingly enters the
6 dwelling place of another and remains in such dwelling place until
7 he knows or has reason to know that one or more persons is pre-
8 sent and (1) while armed with a dangerous weapon uses force or
9 threatens the imminent use of force upon any person or persons
10 within such dwelling place whether or not injury occurs, or (2)
11 intentionally causes any injury to any person or persons within
12 such dwelling place shall be punished by imprisonment in the
13 state prison for not less than five years. The sentence imposed
14 upon a person who, after being convicted of any offense men-
15 tioned in this section, commits the like offense shall not be sus-
16 pended, nor shall he be placed on probation.

17 It shall be an affirmative defense to a charge under this section
18 that the person who knowingly enters the dwelling place of
19 another and remains in such dwelling place until he knows or has
20 reason to know that one or more persons is present either immedi-
21 ately leaves such premises or surrenders to the person or persons
22 lawfully present therein without either attempting to cause or
23 causing serious bodily injury to any person present therein.

24 This section shall not apply to a peace officer acting in the line
25 of duty.