

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to the penalty for the crime of aggravated assault or assault and battery. Criminal Justice.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO THE CRIME OF AGGRAVATED ASSAULT.

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 2000  
3 Official Edition, and inserting in place thereof the following  
4 section:—

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

10 A summons may be issued instead of a warrant for the arrest of  
11 any person upon a complaint for a violation of any provisions of  
12 this subsection if in the judgment of the court or justice receiving  
13 the complaint there is reason to believe that he will appear upon a  
14 summons.

15 (b) Whoever commits an assault: (i) upon a person under four-  
16 teen years of age; or (ii) upon a mentally retarded person knowing  
17 such person to be mentally retarded; or (iii) upon a person sixty  
18 years of age or older; or (iv) upon a person with a disability, as  
19 defined by section 13K of this chapter; or (v) upon another who is  
20 pregnant at the time of such assault, knowing or having reason to  
21 know that the person is pregnant; or (vi) upon another who he  
22 knows has an outstanding temporary or permanent vacate,  
23 restraining, or no-contact order or judgment issued pursuant to  
24 section eighteen, thirty-four B or thirty-four C of chapter two hun-  
25 dred and eight, section thirty-two of chapter two hundred and

26 nine, section three, four or five of chapter two hundred and  
27 nine A, or section fifteen or twenty of chapter two hundred and  
28 nine C, in effect against him at the time of such assault and bat-  
29 tery; or (vii) after entering the dwelling of another with the intent  
30 to commit the assault; or (viii) by means of a dangerous weapon  
31 shall be punished by imprisonment in state prison for not more  
32 than three years or in the house of correction for not more than  
33 two and one-half years or by a fine of not more than two thousand  
34 dollars, or by both such fine and imprisonment.

35 (c) Whoever commits an assault and battery: (i) upon another  
36 and by such assault and battery causes bodily injury, as defined in  
37 this chapter; or (ii) upon another who is pregnant at the time of  
38 such assault, knowing or having reason to know that the person is  
39 pregnant; or (iii) upon another who he knows has an outstanding  
40 temporary or permanent vacate, restraining, or no-contact order or  
41 judgment issued pursuant to section eighteen, thirty-four B or  
42 thirty-four C of chapter two hundred and eight, section thirty-two  
43 of chapter two hundred and nine, section three, four or five of  
44 chapter two hundred and nine A, or section fifteen or twenty of  
45 chapter two hundred and nine C, in effect against him at the time  
46 of such assault and battery, shall be punished by imprisonment in  
47 the state prison for not more than five years or in the house of cor-  
48 rection for not more than two and one-half years or by a fine of  
49 not more than five thousand dollars, or by both such fine and  
50 imprisonment.

51 (d) Whoever commits an assault or an assault and battery upon  
52 another and by such assault and battery causes serious bodily  
53 injury, as defined in section 13K of this chapter shall be punished  
54 by imprisonment in the state prison for not less than three nor  
55 more than five years or in a house of correction for not more than  
56 two and one-half years or by a fine of not more than ten thousand  
57 dollars, or by both such fine and imprisonment.

1 SECTION 2. Section 15A of chapter 265 of the General Laws,  
2 as appearing in the 2000 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 of  
9 not more than five thousand dollars, or by both such fine and  
10 imprisonment.

11 (c) Whoever, by means of a dangerous weapon, commits an  
12 assault and battery: (i) upon another and by such assault and bat-  
13 tery causes serious bodily injury; or (ii) upon another who is preg-  
14 nant at the time of such assault and battery, knowing or having  
15 reason to know that the person is pregnant; or (iii) upon another  
16 who he knows has an outstanding temporary or permanent vacate,  
17 restraining, or no-contact order or judgment issued pursuant to  
18 section eighteen, thirty-four B or thirty-four C of chapter two hun-  
19 dred and eight, section thirty-two of chapter two hundred and  
20 nine, section three, four or five of 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 the 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 thou-  
26 sand dollars, or by both such fine and imprisonment.

The first part of the report deals with the general situation of the country and the progress of the war.

The second part of the report deals with the economic situation and the measures taken to improve it.

The third part of the report deals with the social situation and the measures taken to improve it.

The fourth part of the report deals with the political situation and the measures taken to improve it.

The fifth part of the report deals with the military situation and the measures taken to improve it.

The sixth part of the report deals with the cultural situation and the measures taken to improve it.

The seventh part of the report deals with the scientific situation and the measures taken to improve it.

The eighth part of the report deals with the health situation and the measures taken to improve it.

The ninth part of the report deals with the education situation and the measures taken to improve it.

The tenth part of the report deals with the foreign relations situation and the measures taken to improve it.

The eleventh part of the report deals with the general conclusions and the measures taken to improve it.