

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to restricting probation, parole, furlough, work release and good conduct sentence deductions for persons convicted of assault on certain public officials. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO ASSAULTS ON CERTAIN PUBLIC OFFICIALS.

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. Section 38B of chapter 127 of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by
3 adding the following paragraph:—

4 A person convicted of violating any provision of this section
5 shall not, until he shall have served the mandatory minimum term
6 of imprisonment established herein, be eligible for probation,
7 parole, furlough, work release, or receive any deduction from his
8 sentence for good conduct under sections 129, 129C and 129D of
9 chapter 127; provided, however, that the commissioner of correc-
10 tions may, on the recommendation of the warden, superintendent,
11 or other person in charge of the correctional institution, grant to
12 said offender a temporary release in the custody of an officer of
13 such institution for the following purposes: to attend the funeral of
14 a relative, to visit a critically ill relative, or to obtain emergency
15 medical or psychiatric services unavailable at said institution. The
16 provisions of section 87 of chapter 276 shall not apply to any
17 person, 17 years of age or over, charged with a violation of said
18 sections, or to any child between the age of 14 and 17, so charged,
19 if the court is of the opinion that the interests of the public require
20 that he shall be tried for such offense instead of being dealt with
21 as a child.

1 SECTION 2. Chapter 265 of the General Laws is hereby
2 amended by striking out Section 13D and inserting in place
3 thereof the following section:—

4 Section 13D. Whoever commits an assault and battery upon any
5 public employee when such person is engaged in the performance
6 of his duties at the time of such assault and battery, shall be pun-
7 ished by imprisonment in the state prison for not more than ten
8 years.

9 Such sentence shall begin from and after all sentences currently
10 outstanding and unserved at the time of said assault or assault and
11 battery.

12 A person convicted of violating any provision of this section
13 shall not, until he shall have served the mandatory minimum term
14 of imprisonment established herein, be eligible for probation,
15 parole, furlough, work release, or receive any deduction from his
16 sentence for good conduct under sections 129, 129C and 129D of
17 chapter 127; provided, however, that the commissioner of correc-
18 tions may, on the recommendation of the warden, superintendent,
19 or other person in charge of the correctional institution, grant to
20 said offender a temporary release in the custody of an officer of
21 such institution for the following purposes: to attend the funeral of
22 a relative, to visit a critically ill relative, or to obtain emergency
23 medical or psychiatric services unavailable at said institution. The
24 provisions of section 87 of chapter 276 shall not apply to any
25 person, 17 years of age or over, charged with a violation of said
26 sections, or to any child between the age of 14 and 17, so charged,
27 if the court is of the opinion that the interests of the public require
28 that he shall be tried for such offense instead of being dealt with
29 as a child.

1 SECTION 3. Said chapter 265 is hereby further amended by
2 striking out section 13I and inserting in place thereof the
3 following section:—

4 Section 13I. Whoever commits an assault or assault and battery
5 on an emergency medical technician, an ambulance operator or an
6 ambulance attendant while said technician, operator or attendant
7 is treating or transporting in the line of duty shall be punished by
8 imprisonment in the state prison for not more than 10 years. Such
9 sentence shall begin from and after all sentences currently out-
10 standing and unserved at the time of said assault or assault and
11 battery.

12 A person convicted of violating any provision of this section
13 shall not, until he shall have served the mandatory minimum term

14 of imprisonment established herein, be eligible for probation,
15 parole, furlough, work release, or receive any deduction from his
16 sentence for good conduct under sections 129, 129C and 129D of
17 chapter 127; provided, however, that the commissioner of correc-
18 tions may, on the recommendation of the warden, superintendent,
19 or other person in charge of the correctional institution, grant to
20 said offender a temporary release in the custody of an officer of
21 such institution for the following purposes: to attend the funeral of
22 a relative, to visit a critically ill relative, or to obtain emergency
23 medical or psychiatric services unavailable at said institution. The
24 provisions of section 87 of chapter 276 shall not apply to any
25 person, 17 years of age or over, charged with a violation of said
26 sections, or to any child between the age of 14 and 17, so charged,
27 if the court is of the opinion that the interests of the public require
28 that he shall be tried for such offense instead of being dealt with
29 as a child.

