

By Mr. Buglione of Methuen, petition of the Massachusetts Police Association, Nicholas J. Buglione and Thomas R. Lussier for changes in the law relative to the imposition of mandatory prison sentences for the destruction of certain property. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Nine.

**AN ACT TO INCREASE CERTAIN TYPES OF PROPERTY DESTRUCTION MADE PUNISHABLE UNDER VANDALISM STATUTES.**

*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 127, of Chapter 266, of the General  
2 Laws, as amended by Chapter 544, of the Acts of 1978, is hereby  
3 amended by striking out said section 127, and inserting in place  
4 thereof the following: —

5 *Section 127.* Whoever destroys or injures the personal prop-  
6 erty, dwelling house, or building of another, or property attached  
7 or adjacent to such dwellings or buildings, or any state property,  
8 property of a county, or property of city or town, or a school,  
9 church, public park or playground, or property or equipment  
10 thereof, in any manner or means not particularly described or  
11 mentioned in this chapter, regardless of the value of the property  
12 so destroyed or injured, shall, if such destruction or injury is wilful  
13 and malicious, be punished by imprisonment in the state prison for  
14 not more than ten years, or by a fine of \$3000, or three times the  
15 value of the property so destroyed or injured, whichever is greater,  
16 and imprisonment in a jail or house of correction for not more  
17 than 2 1/2 years; or if such destruction or injury is wanton, shall be  
18 punished by a fine of \$1500 or three times the value of the property  
19 so destroyed or injured, whichever is greater, or by imprisonment  
20 in a jail or house of correction for not more than 2 1/2 years; if the

21 value of the property so destroyed or injured is not alleged to  
22 exceed \$100, the punishment shall be a fine of three times the value  
23 of the damage or injury to such property, or by imprisonment in a  
24 jail or house of correction for not more than 3 months; provided,  
25 however, that when a fine is levied pursuant to the value of the  
26 property destroyed or injured, the court shall, after conviction,  
27 conduct an evidentiary hearing to ascertain the value of the prop-  
28 erty destroyed or injured. Any officer authorized to serve criminal  
29 process may arrest without the issuance of warrant, any person,  
30 who in his presence, commits any of the offenses contained herein.

1 SECTION 2. The following sections of Chapter two hundred  
2 and sixty-six of the General Laws are hereby repealed: —

3 Section ninety-four; Section ninety-five; Section ninety-six;  
4 Section ninety-seven; Section ninety-eight; Section ninety-eight A;  
5 Section one hundred and four; Section one hundred and five;  
6 Section one hundred and thirteen; and Section one hundred and  
7 fourteen.