HOUSE DOCKET, NO. 2839 FILED ON: 1/18/2013

HOUSE . . . . . No. 1218

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act increasing the penalty for assault and battery to certain public safety officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*
James M. Cantwell	*4th Plymouth*
Thomas J. Calter	*12th Plymouth*

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HOUSE . . . . . No. 1218

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1218) of Garrett J. Bradley, James M. Cantwell and Thomas J. Calter relative to increasing the penalty for assault and battery to certain public safety officers. The Judiciary.

The Commonwealth of Massachusetts

An Act increasing the penalty for assault and battery to certain public safety officers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

Section 13D. (a) As used in this section, the following terms shall, unless the context clearly appears otherwise, have the following meanings:

"Emergency medical care provider", an ambulance driver, ambulance attendant, emergency medical technician, paramedic, registered nurse or physician.

"Fire fighter", any person employed by any public employer whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires.

"Law enforcement officer", includes a law enforcement officer, a correctional officer, a probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer.

"Public employee", a person performing services for or holding an office, position, employment, or membership in a state, county or municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis.

(b) Whoever commits an assault and battery upon any public employee , who is not acting as an emergency medical care provider, fire fighter or law enforcement officer, when such person is engaged in the performance of the public employee's duties at the time of such assault and battery, shall be punished by imprisonment for not less than 90 days nor more than 2 and one-half years in a house of correction or by a fine of not less than $500 nor more than $5,000.

22 (c) Whoever commits an assault and battery upon any emergency medical care provider,
23 fire fighter or law enforcement officer, when such person is engaged in the performance of such
24 person's duties at the time of such assault and battery, shall be punished by imprisonment in the
25 state prison for not less than 3 nor more than 5 years or by imprisonment for not less than 1 year
26 nor more than 2 and one-half years in the house of correction and by a fine of not less than
27 $5,000 nor more than $10,000.

28 SECTION 2. Section 13I of said chapter 265 is hereby repealed.