

SENATE No. 1042

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 adoption of the accompanying bill:

An Act allowing for the decriminalization of minor offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	
Geraldo Alicea	6th Worcester
Anne M. Gobi	5th Worcester
William N. Brownsberger	
Richard T. Moore	
Thomas J. Calter	12th Plymouth
Bradley H. Jones, Jr.	20th Middlesex
Daniel B. Winslow	9th Norfolk
Peter V. Kocot	1st Hampshire
Stephen L. DiNatale	3rd Worcester
Paul Brodeur	32nd Middlesex
William C. Galvin	6th Norfolk
Alice Hanlon Peisch	14th Norfolk
Jennifer E. Benson	37th Middlesex
Geoff Diehl	7th Plymouth
Todd M. Smola	1st Hampden
Carolyn C. Dykema	8th Middlesex
Christopher N. Speranzo	3rd Berkshire

<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>Michael R. Knapik</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Jennifer L. Flanagan</i>	
<i>David M. Torrisi</i>	<i>14th Essex</i>
<i>Eileen M. Donoghue</i>	
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Katherine M. Clark</i>	<i>Middlesex and Essex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>

SENATE No. 1042

By Mr. Moore, petition (accompanied by bill, Senate, No. 1042) of Clark, Mark, Fernandes and other members of the General Court for legislation to allow for the decriminalization of minor offenses [Joint Committee on Municipalities and Regional Government].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act allowing for the decriminalization of minor offenses.

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 21D of chapter 40 of the General Laws as appearing in the 2010
2 Official Edition is hereby amended by inserting in line 2 after the word “of” the following
3 language:-

4 “misdemeanors not ineligible for decriminalization under chapter two hundred seventy
5 seven section seventy C, any matters deemed civil infractions by any general or special law, and
6 any”

7 SECTION 2. Section 21D of chapter 40 of the General Laws as appearing in the 2010
8 Official Edition is hereby amended by inserting after line 4 the following paragraph:-

9 “A police officer taking cognizance of any such violation may request the offender to
10 state his name and address. Whoever, upon such request, refuses to state his name and address,
11 or states a false name and address or a name and address which is not his name and address in
12 ordinary use, shall be punished by a fine of not less than twenty nor more than fifty dollars. Any

13 such offender who refuses upon such request to state his name and address or states a false name
14 and address or a name and address which is not his name and address in ordinary use may be
15 arrested without a warrant.”

16 SECTION 3. Section 21D of chapter 40 of the General Laws as appearing in the 2010
17 Official Edition is hereby amended by inserting in line 6 after the word “a” the following words:-
18 “misdemeanor, civil infraction,”

19 SECTION 4. Section 21D of chapter 40 of the General Laws as appearing in the 2010
20 Official Edition is hereby amended by striking in line 8 the following words:- “shall, or, if so
21 provided in such ordinance or by-law,” The comma after “may” in line 8 shall also be stricken.

22 SECTION 5. Section 21D of chapter 40 of the General Laws in the 2010 Official
23 Edition is hereby amended by inserting in line 64 after the word “appropriate” the following
24 words:- “,misdemeanor, civil infraction,”

25 SECTION 6. Section 21D of chapter 40 of the General Laws is hereby amended by
26 inserting in line 64 after the word “regulation.” the following words:- “Such persons shall also
27 be punished by a fine of not less than twenty nor more than fifty dollars. If the person fails,
28 without good cause, to appear in response to the summons, and the court has satisfactory proof of
29 service of said summons, an arrest warrant may be issued, and shall be served by any officer
30 authorized to serve criminal process.”