HOUSE . . . . . No. 4311

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 19, 2016.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 1289) of John V. Fernandes and others relative to certain civil infractions, reports recommending that the accompanying bill (House, No. 4311) ought to pass.

For the committee,

JOHN V. FERNANDES.

FILED ON: 5/2/2016

HOUSE . . . . . No. 4311

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to civil infractions for juveniles.

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. The first sentence of the second paragraph of section 23 of chapter 90 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the words, “not more than $500”, the following:-

; provided further, notwithstanding any general or special law to the contrary, any person who violates this section and has a finding of delinquency entered against them, and has not previously had a finding of delinquency entered against them for such violation, shall be punished by a fine of not more than $500

SECTION 2. The fourth paragraph of section 34J of said chapter 90 of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following:-

; provided further, notwithstanding any general or special law to the contrary, any person who violates this section and has a finding of delinquency entered against them, and has not previously had a finding of delinquency entered against them for such violation, shall be punished by a fine of not more than $500

14 SECTION 3. Section 52 of chapter 119 of the General Laws, as most recently amended
15 by section 7 of chapter 84 of the Acts of 2013, is hereby further amended by striking out the
16 definition of "Delinquent Child" in the second paragraph and inserting in place thereof the
17 following new definition:-

18 "Delinquent Child", a child between seven and eighteen who commits any offense
19 against a law of the commonwealth, provided however, that such offense shall not include a
20 violation of any municipal ordinance or town by-law.

21 SECTION 4. Section 53 of chapter 272 of the General Laws, as appearing in the 2012
22 Official Edition, is here by amended by striking out clause (b) and inserting in place thereof the
23 following new clause (b):-

24 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished
25 by a fine of not more than $150; provided however, that notwithstanding any general or special
26 law to the contrary, any person who violates this section and has a finding of delinquency
27 entered against him shall be punished by a fine of not more than $150 for a first offense. On a
28 second or subsequent offense, such person shall be punished by imprisonment in a jail or house
29 of correction for not more than 6 months, or by a fine of not more than $200, or by both such
30 fine and imprisonment

31 SECTION 5. Paragraph 1 of section 70C of chapter 277 of the General Laws, as
32 appearing in the 2012 Official Edition, is hereby amended by striking out in the second sentence
33 the words:- "chapter 119,"