

HOUSE No. 3778

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to authorize fining or arresting individuals aggressively loitering..

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

1 Chapter 272 of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended by inserting the following new section:-

3 Section 53B. Aggressively loitering; penalties

4 Whoever aggressively loiters at the entrance or exit of a retail establishment, blocking
5 that entrance or exit from patrons, after having been forbidden to do so either by notice posted
6 thereon, or by the person who has the lawful control of said premises, or by any police officer,
7 shall be punished by a fine of not more than one hundred dollars and may be arrested without a
8 warrant by such officer and kept in custody in a convenient place, not more than twenty-four
9 hours, Sundays and legal holidays excepted, at or before the expiration of which time he shall be
10 taken before a proper court or magistrate and proceeded against according to law.

11 For the purposes of this Act, “aggressive” shall be defined as (a) Any conduct that is
12 intended to or is likely to cause a reasonable person to fear imminent bodily harm or the
13 commission of a criminal act upon property in that person's immediate possession; or

14 (b) intentionally or recklessly blocking or interfering with the safe or free passage of the persons
15 attempting to enter retail establishments, whether the person is a pedestrian or the operator of a
16 vehicle, including the situation where the person takes evasive action to avoid physical contact
17 with the person loitering; or (c) intentionally touching or making any physical contact with the
18 person entering or exiting the retail establishment without the person's consent.