

# HOUSE . . . . . No.

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***F. Jay Barrows***

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*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 Town of Mansfield Public Endangerment Act.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>5/10/2012</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>5/10/2012</i>

# HOUSE . . . . . No.

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By Mr. Barrows of Mansfield, a petition (subject to Joint Rule 12) of F. Jay Barrows and Elizabeth A. Poirier (by vote of the town) relative to public intoxication in the town of Mansfield. The Judiciary. [Local Approval Received.]

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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An Act Town of Mansfield Public Endangerment Act.

*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.   Notwithstanding the provisions of any general or special law to the contrary,  
2 including without limitation G.L. Chapter 111B, Section 1 et seq. and Section 18 of Chapter  
3 1076 of the Acts of 1971, the Town of Mansfield by vote at a Town Meeting may adopt a by-law  
4 imposing non-criminal penalties for public endangerment conduct arising from excess alcohol  
5 use, providing substantially as follows:

6           a)   no person shall be in or display a state of intoxication or drunkenness to the degree  
7 that he poses a danger to himself or to others, poses a danger to property, or presents a clear and  
8 imminent likelihood of criminal conduct, in the Town of Mansfield while in or upon any public  
9 place or place to which the public has been invited to access (whether free of charge of  
10 conditioned upon purchase of a ticket or other form of admission), including but not limited to  
11 public ways, sidewalks, parking lots, parks and commons, playgrounds, recreation areas,  
12 beaches, cemeteries, municipal buildings and schools and grounds or athletic fields appurtenant  
13 thereto, premises licensed by the Town to serve the public and facilities designed to accomodate

spectators for athletic events or for concerts. Notwithstanding the foregoing, this Act shall not apply to private residences or to the premises thereof unless such conduct also constitutes a violation of other law or laws of the Commonwealth.

b) any police officer as the enforcing person shall make a record of the violation of this Act, such record to include the following information (to the extent it is available), name, address and date of birth of the person violating this Act, date, time and location of violation.

c) any bylaw adopted by the Town pursuant to this Act may be enforced by non-criminal disposition pursuant to GL Chapter 40, Section 21D by any police officer as the enforcing person. Any person found to be in violation of this Act shall be assessed a non-criminal penalty not to exceed two hundred dollars (\$200.00) for each violation. A non-criminal penalty shall not be imposed on anyone not taken into protective custody.

Section 1. This Act shall take effect upon its passage.