

**HOUSE . . . . . No. 1287**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Viriato Manuel deMacedo***

*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 relative to clarifying procedures for the custodial protection of a child requiring assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	<i>1/18/2013</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>1/18/2013</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/18/2013</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>1/18/2013</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/18/2013</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/18/2013</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>	<i>1/18/2013</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/18/2013</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/18/2013</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/18/2013</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/18/2013</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/18/2013</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/18/2013</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	<i>1/18/2013</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/18/2013</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/18/2013</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>1/18/2013</i>

<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/18/2013</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	<i>1/18/2013</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/18/2013</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/18/2013</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/18/2013</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/18/2013</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/18/2013</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/18/2013</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	<i>1/18/2013</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>	<i>1/18/2013</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/18/2013</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>1/18/2013</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	<i>1/18/2013</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/18/2013</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/18/2013</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/18/2013</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>1/18/2013</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/18/2013</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>1/18/2013</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/18/2013</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>1/18/2013</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/18/2013</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/18/2013</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>1/18/2013</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/18/2013</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>1/18/2013</i>

**HOUSE . . . . . No. 1287**

---

---

By Mr. deMacedo of Plymouth, a petition (accompanied by bill, House, No. 1287) of Viriato Manuel deMacedo and others relative to clarifying procedures for the custodial protection by law enforcement and court officials of a child requiring assistance. The Judiciary.

---

---

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Thirteen**  
—————

An Act relative to clarifying procedures for the custodial protection of a child requiring assistance.

*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 39H of Chapter 119 of the General Laws, as most recently  
2 amended by chapter 240 of the acts of 2012, is hereby amended by inserting in the first line of  
3 clause (ii) after the word “and” the word:- preferably.

4           SECTION 2. Section 39H of Chapter 119 of the General Laws, as so appearing in the  
5 2010 Official Edition, is hereby further amended by striking the sentence “A child in custodial  
6 protection may not be confined in shackles or similar restraints or in a court lockup facility in  
7 connection with any proceedings under sections 39E to 39I inclusive.” and inserting in place  
8 thereof :- The preferred response by law enforcement and court officials when a child is in  
9 custodial protection in connection with any proceedings under sections 39E to 39I inclusive is to  
10 avoid the use of shackles and court lockup facilities when practicable.