

HOUSE No. 4132

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 29, 2014.

The committee on the Judiciary to whom were referred the petition (accompanied by bill, Senate, No. 631) of William N. Brownsberger, Ruth B. Balser, Patricia D. Jehlen, Karen E. Spilka and other members of the General Court for legislation to decriminalize non-violent and verbal student misconduct, reports recommending that the accompanying bill (House, No. 4132) ought to pass.

For the committee,

CHRISTOPHER M. MARKEY.

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In the Year Two Thousand Fourteen

An Act decriminalizing non-violent and verbal student misconduct.

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. Chapter 272 of the General Laws is amended by striking out section 40, as
2 appearing in the 2010 Official Edition, and inserting in place thereof the following
3 section:

4 Section 40. Disturbance of assemblies.

5 Whoever wilfully interrupts or disturbs an assembly of people met for a lawful purpose
6 shall be punished by imprisonment for not more than one month or by a fine of not more than
7 fifty dollars; provided, however, that an elementary or secondary school student shall not be
8 charged, adjudicated, or convicted for alleged violation of this provision due to conduct within
9 school buildings or grounds or in the course of school-related events. Whoever, within one year
10 after being twice convicted of a violation of this section, again violates the provisions of this
11 section shall be punished by imprisonment for one month, and the sentence imposing such
12 imprisonment shall not be suspended.

13 SECTION 2. Chapter 272 is hereby further amended by striking out subsection (b) of
14 section 53, as appearing in the 2010 Official Edition, and inserting in place thereof the
15 following

16 subsection:

17 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished
18 by a fine of not more than \$150. On a second or subsequent offense, such person shall be
19 punished by imprisonment in a jail or house of correction for not more than 6 months, or by a
20 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that an

21 elementary or secondary school student shall not be charged, adjudicated, or convicted for
22 alleged violation of this provision due to conduct within school buildings or grounds or in the
23 course of school-related events.