

SENATE No. 631

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 decriminalizing non-violent and verbal student misconduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>

SENATE No. 631

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 631) of William N. Brownsberger, Ruth B. Balsler, Patricia D. Jehlen, Karen E. Spilka and other members of the General Court for legislation to decriminalize non-violent and verbal student misconduct. The Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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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 section:-

3 Section 40. Whoever willfully interrupts or disturbs an assembly of people met for a
4 lawful purpose shall be punished by a fine of not more than fifty dollars; provided, however, that
5 an interruption or disturbance alleged to be created by a student in a school shall not be
6 considered willful unless the student has received at least 2 prior written warnings in the current
7 school year from the school principal arising from such conduct, and has received assistance in
8 controlling such behavior reasonably calculated to cause it to cease. Assistance shall include, but
9 is not limited to, a functional behavioral assessment that accounts for the circumstances tending
10 to trigger disruptive behavior and that correlates with a behavioral intervention plan prescribing
11 appropriate responses to behavior that may de-escalate disruptions. No student whose conduct
12 would otherwise be considered willful shall be in violation of this section unless prescribed
13 responses are utilized prior to any arrest. Whoever, within one year after being twice convicted
14 of a violation of this section, again violates the provisions of this section shall be punished by
15 imprisonment for one month, and the sentence imposing such imprisonment shall not be
16 suspended.

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

20 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished
21 by a fine of not more than \$150. On a second or subsequent offense, such person shall be
22 punished by imprisonment in a jail or house of correction for not more than 6 months, or by a
23 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that a
24 student shall not be convicted or adjudicated for a violation of this provision based on conduct in
25 school or at school-related events except in accordance with section 272 of chapter 272.