SENATE DOCKET, NO. 418 FILED ON: 1/16/2013

SENATE . . . . . No. 777

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony W. Petruccelli

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 civil infractions for Juveniles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony W. Petruccelli	*First Suffolk and Middlesex*

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SENATE . . . . . No. 777

By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 777) of Anthony W. Petruccelli for legislation relative to civil infractions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *839* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to civil infractions for Juveniles.

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

SECTION 1. Section 23 of chapter 90 of the General Laws, as most recently amended by section 67 of Chapter 27 of the Acts of 2009, is hereby further amended by inserting after the words, “not more than $500”, in the first sentence of the second paragraph the following:- ; provided further, that notwithstanding any general or special law to the contrary, a finding of delinquency shall not be entered against any person against whom such a complaint has been issued

SECTION 2. The fourth paragraph of section 34J of said chapter 90 of the General Laws, as most recently amended by section 70 of chapter 27 of the Acts of 2009, is hereby further amended by adding at the end thereof the following:-

; provided further, that notwithstanding any general or special law to the contrary, any person who violates this section and has not been previously determined responsible for or convicted therefor, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not previously been rendered, shall not have a finding of delinquency entered against him

SECTION 3. Section 52 of chapter 119 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of “Delinquent Child” in the second paragraph and inserting in place thereof the following new definition:-

"Delinquent Child", a child between seven and eighteen who commits any offence against a law of the commonwealth, provided however, that such offense shall not include a civil infraction, a violation of any municipal ordinance or town by-law, or a misdemeanor for which the punishment is a fine, imprisonment in a jail or house of correction for not more than six months, or both such fine and imprisonment.

SECTION 4. Said section 52 of said chapter, as so appearing, is hereby further amended by inserting at the end thereof the following new definition:-

"Civil Infraction", a violation for which a civil proceeding is allowed, and for which the court shall not appoint counsel, or sentence any term of incarceration.

SECTION 5. Section 53 of chapter 272 of the General Laws, as most recently amended by section 98 of chapter 27 of the Acts of 2009, is hereby further amended by inserting at the end thereof the following new clause:-

(c) Notwithstanding any general or special law to the contrary, any person who violates clause (a) or (b) of this section shall not have a finding of delinquency entered against him.

SECTION 6. Paragraph 1 of section 70C of chapter 277 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out in the second sentence the words:- "chapter 119,"