

HOUSE No. 1289

The Commonwealth of Massachusetts

PRESENTED BY:

John V. Fernandes

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:	DATE ADDED:
<i>John V. Fernandes</i>	<i>10th Worcester</i>	<i>1/15/2015</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>9/17/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>9/17/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>9/17/2019</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>9/17/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>9/17/2019</i>
<i>Leah Cole</i>	<i>12th Essex</i>	<i>9/17/2019</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>9/17/2019</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>9/17/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/17/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>9/17/2019</i>

HOUSE No. 1289

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 1289) of John V. Fernandes and others relative to certain civil infractions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1276 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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:

1 SECTION 1. The first sentence of the second paragraph of section 23 of chapter 90 of the
2 General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the
3 words, “not more than \$500”, the following:-

4 ; provided further, that notwithstanding any general or special law to the contrary, a
5 finding of delinquency shall not be entered against any person against whom such a complaint
6 has been issued

7 SECTION 2. The fourth paragraph of section 34J of said chapter 90 of the General Laws,
8 as so appearing, is hereby amended by adding at the end thereof the following:-

9 ; provided further, that notwithstanding any general or special law to the contrary, any
10 person who violates this section and has not been previously determined responsible for or

11 convicted therefor, or against whom a finding of delinquency or a finding of sufficient facts to
12 support a conviction has not previously been rendered, shall not have a finding of delinquency
13 entered against him

14 SECTION 3. Section 52 of chapter 119 of the General Laws, as most recently amended
15 by section 7 of chapter 84 of the Acts of 2013, is hereby further amended by striking out the
16 definition of “Delinquent Child” in the second paragraph and inserting in place thereof the
17 following new definition:-

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

23 SECTION 4. Said section 52 of said chapter 119 is hereby further amended by inserting
24 at the end thereof the following new definition:-

25 “Civil Infraction”, a violation for which a civil proceeding is allowed, and for which the
26 court shall not sentence any term of incarceration and therefore not appoint counsel.

27 SECTION 5. Section 53 of chapter 272 of the General Laws, as appearing in the 2012
28 Official Edition, is hereby amended by inserting at the end thereof the following new clause:-

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

32 SECTION 6. Paragraph 1 of section 70C of chapter 277 of the General Laws, as
33 appearing in the 2012 Official Edition, is hereby amended by striking out in the second sentence
34 the words:- “chapter 119,”