

SENATE No. 842

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Jose F. Tosado</i> | <i>9th Hampden</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Keiko M. Orrall</i> | <i>12th Bristol</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>John V. Fernandes</i> | <i>10th Worcester</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> |
| <i>Eileen M. Donoghue</i> | <i>First Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |
| <i>Gloria L. Fox</i> | <i>7th Suffolk</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Leah Cole</i> | <i>12th Essex</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |

Kay Khan

11th Middlesex

SENATE No. 842

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 842) of Patricia D. Jehlen, Marjorie C. Decker, Jose F. Tosado, Ruth B. Balsler and other members of the General Court for legislation to decriminalize non-violent and verbal student misconduct. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4132 OF 2013-2014.]

The Commonwealth of Massachusetts

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

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. Disturbance of assemblies.

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

10 section shall be punished by imprisonment for one month, and the sentence imposing such
11 imprisonment shall not be suspended.

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

15 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished
16 by a fine of not more than \$150. On a second or subsequent offense, such person shall be
17 punished by imprisonment in a jail or house of correction for not more than 6 months, or by a
18 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that an
19 elementary or secondary school student shall not be charged, adjudicated, or convicted for
20 alleged violation of this provision due to conduct within school buildings or grounds or in the
21 course of school-related events.