

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Jason M. Lewis, (BY REQUEST)***

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*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 to protect children from excessive force.**

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PETITION OF:

NAME:

*Caroline Mallary*

DISTRICT/ADDRESS:

*625 Main St #9 in Reading, 01867*

**SENATE . . . . . No.**

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By Mr. Lewis (by request), a petition (accompanied by bill, Senate, No. ) of Caroline Mallary for legislation to protect children from excessive force. Mental Health and Substance Abuse.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act to protect children from excessive force.

*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 123 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by adding after Section 36B the following new section:-

3 Section 37. No child in Massachusetts shall be subjected to any restraint which inhibits  
4 normal breathing, or inhibits circulation to an extent which leads to or could reasonably be  
5 expected to lead to serious injury. Any person who willfully or recklessly subjects a child to a  
6 restraint which inhibits normal breathing or circulation shall not be considered to be operating  
7 within the scope of any license or profession, and may be prosecuted under criminal law. For the  
8 purpose of this section, "recklessly" shall include any instance of restraint where the person or  
9 persons performing the restraint had reason to believe the child was having difficulty breathing  
10 and continued to restrain the child in a manner that interfered with normal breathing. The ability  
11 of the child to speak shall not be considered evidence that the child's breathing was uninhibited.