

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis, (BY REQUEST)

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.

PETITION OF:

NAME:

Caroline Mallary

DISTRICT/ADDRESS:

625 Main St #9 in Reading, 01867

SENATE No.

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.

The Commonwealth of Massachusetts

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

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.