

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.