

**HOUSE . . . . . No. 1781**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joseph W. McGonagle, Jr.*

*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 the offense of assault and battery upon a transit worker.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/18/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/19/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/19/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/19/2021</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/22/2021</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/22/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/22/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/22/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/22/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/23/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/23/2021</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>2/23/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/23/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/23/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/25/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/25/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/26/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>

<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/26/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/26/2021</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/4/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/10/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/11/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/14/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/15/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>4/15/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>

**HOUSE . . . . . No. 1781**

By Mr. McGonagle of Everett, a petition (accompanied by bill, House, No. 1781) of Joseph W. McGonagle, Jr., and others relative to the offense of assault and battery upon transit workers. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to the offense of assault and battery upon a transit worker.

*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 265 of the General Laws, as appearing in the 2018 Official Edition,  
2 is hereby amended by inserting after section 13D ½ the following section:-

3 Section 13D ¾. (a) For the purposes of this section, “bodily substance” shall mean any  
4 human secretion, discharge or emission including, but not limited to, blood, saliva, mucous,  
5 semen, urine or feces.

6 (b) Whoever commits an assault and battery upon a public transit worker when such  
7 person is engaged in the performance of his duties at the time of such assault and battery shall be  
8 punished by imprisonment for not less than 90 days nor more than 2 1/2 years in a house of  
9 correction or by a fine of not less than \$500 nor more than \$5,000.

10 An officer authorized to make arrests may arrest any person upon probable cause and  
11 without a warrant if the person has committed an offense under this section upon a transit worker  
12 when the employee was operating a public transit vehicle and the officer may keep the person in

13 custody during which period the officer shall seek the issuance of a complaint and request a bail  
14 determination with all reasonable promptness.

15 Assault and battery upon a public transit worker shall include acts of expectorating or  
16 flinging a bodily substance at or onto a transit worker or of throwing or flinging any unspecified  
17 fluid at or onto a transit worker while such person is engaged in the performance of their duties.