

HOUSE No. 3908

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

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 authorizing the city of Lawrence to establish a program for enforcement against illegal bars and illegal casinos.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>6/16/2021</i>

HOUSE No. 3908

By Mr. Moran of Lawrence, a petition (accompanied by bill, House, No. 3908) of Frank A. Moran (with the approval of the mayor and city council) that the city of Lawrence be authorized to establish a program for enforcement against illegal bars and illegal casinos. The Judiciary. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the city of Lawrence to establish a program for enforcement against illegal bars and illegal casinos.

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. Notwithstanding section 2 of chapter 138 of General Laws or any general or
2 special law to the contrary, no person shall manufacture, with intent to sell, sell or expose or
3 keep for sale, store, transport, import or export alcoholic beverages or alcohol in the city of
4 Lawrence unless licensed pursuant to said chapter 138. A violation of this section shall be
5 punished by a fine of not less than \$100 nor more than \$10,000, or by imprisonment of not more
6 than 1 year, or both.

7

8 SECTION 2. Notwithstanding any general or special law to the contrary, no person,
9 partnership organization, association, society or corporation, not licensed pursuant to section 12
10 of chapter 138 of the General Laws, shall own, maintain, lease or otherwise furnish to its
11 members, their guests or other persons any premises, building, apartment or place in the city of

12 Lawrence wherein such members, guests or other persons may engage in a gathering whereby
13 the drinking of alcoholic liquor for a fee or other consideration is occurring. For the purposes of
14 this section, “fee or other consideration” shall include the sale of food, mixers, ice or other fluids
15 used with alcoholic drinks, or the storage of alcoholic liquor. Violations may be assessed on any
16 person, organization or business responsible for organizing, hosting or allowing a gathering
17 conducted, or in the alternative, against the owner, lessee or other person who has legal control
18 of the property where the gathering occurred.

19 SECTION 3. The city of Lawrence may enforce section 2 by prosecuting criminal or civil
20 actions in the housing court, superior court or the district court of Lawrence or by issuing a
21 citation as an administrative disposition of non-criminal violations in a manner provided by
22 chapter 40U of the General Laws. No action commenced as a criminal action shall be converted
23 to a civil enforcement action except with consent of the city.

24 SECTION 4. A person convicted of a violation of section 2 shall be punished by a fine of
25 not less than \$5,000 no more than \$10,000 or by imprisonment in the house of correction for not
26 more than 7 days or by both such fine and imprisonment. A person found responsible in a civil
27 action for a violation for section 2 shall be required to pay a civil penalty of not less than \$5,000
28 and not more than \$10,000. The court may also issue other orders and injunctions to remedy the
29 circumstances of each case. Any non-criminal citations issued under section 2 shall not be more
30 than \$5,000.

31 SECTION 5. Notwithstanding any general or special law to the contrary, no person,
32 partnership, organization, association, society or corporation, not licensed pursuant to chapter
33 23K of the General Laws, shall own, maintain, lease or otherwise furnish its members, their

34 guests or other persons any premises, building, apartment or place in the city of Lawrence
35 wherein such members, guests or other persons may engage in a gathering whereby gambling is
36 occurring. Violations may be assessed on any person, organization or business responsible for
37 organizing, hosting, or allowing a gathering conducted, or in the alternative, against the owner,
38 lessee or other person who has legal control of the property where the gathering occurred.

39 SECTION 6. The city of Lawrence may enforce section 5 by issuing a citation for not
40 more than \$5,000 as an administrative disposition of non-criminal violations in a manner
41 provided by chapter 40U of the General Laws.

42 SECTION 7. The following factors, while not exclusive, may be used as evidence of the
43 presence of a violation of sections 2 and 5: (1) service facilities for alcoholic beverages with or
44 without food service; (2) low lighting levels; (3) entertainment of recorded music; (4) operating
45 past regular hours; (5) tables, seating, and furniture arranged or positioned so as to create
46 gathering space; (6) occupant load density; (7) drinking; (8) smoking tobacco on premises; (9)
47 storage of alcoholic beverages on premises; (10) use or storage of hookah apparatus; (11)
48 collection of fee, sale of alcohol, sale of tobacco, or other consideration; (12) storage or use of
49 gambling machines or other entertainment devices; and (13) use of a building or area beyond the
50 scope of the building code, local zoning ordinance, or any authorized use.

51 SECTION 8. All fines and penalties collected for violations of this act shall be paid to the
52 city of Lawrence.

53 SECTION 9. Notwithstanding section 53 of chapter 44 of the General Laws or any other
54 general law or special law to the contrary, the city shall establish and maintain an Illegal Bars
55 and Casino Enforcement Fund. All fines and penalties collection pursuant to this act shall be

56 deposited into the fund. The city treasurer may invest money in the fund in the manner
57 authorized by sections 55 and 55B of said chapter 44 and interest earned on the fund shall be
58 credited to and become part of the fund. The city shall appropriate and expend amounts from the
59 fund to finance the enforcement of this act and to finance programs and personnel involved in the
60 enforcement of illegal bars and casinos in the city of Lawrence.

61 SECTION 10. This act shall take effect upon its passage.