

**SENATE . . . . . No. 2942**

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**The Commonwealth of Massachusetts**

—  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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SENATE, June 21, 2022.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to judicial supervision to promote child well-being (Senate, No. 2836),- reports, recommending that the same ought to pass with an amendment substituting a new draft entitled "An Act promoting diversion of juveniles to community supervision and services" (Senate, No. 2942).

For the committee,  
Michael J. Rodrigues

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**In the One Hundred and Ninety-Second General Court  
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An Act promoting diversion of juveniles to community supervision and services.

*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 54A of chapter 119 of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by striking subsection (g) and inserting in place thereof the following  
3 subsection:-

4           (g)(1) A child otherwise eligible for diversion under this section shall not be eligible for  
5 diversion:

6           (i) if the child is indicted as a youthful offender;

7           (ii) if the child is charged with an offense that cannot be continued without a finding or  
8 placed on file;

9           (iii) unless there is concurrent district court jurisdiction for such offense, if the child is  
10 charged with an offense for which a penalty of incarceration greater than 5 years may be  
11 imposed or for which there is minimum term penalty of incarceration; or

12 (iv) if the child is charged with an offense listed under the second sentence of section 70C  
13 of chapter 277; provided, however, that a child shall be eligible for diversion if the child is  
14 charged with an offense under: (A) paragraph (a) of subdivision 2 of said section 24 of chapter  
15 90; (B) subsection (a) of section 13A of chapter 265; (C) the first paragraph of section 13D of  
16 said chapter 265; (D) an offense under subsection (a) of section 13M of said chapter 265; (E) an  
17 offense under subsection (b) of section 15A of said chapter 265; (F) an offense under subsection  
18 (b) of section 15B of said chapter 265; (G) section 13A of chapter 268; or (H) section 13C of  
19 said chapter 268.

20 (2) Diversion of juvenile court charges under this chapter shall not preclude a subsequent  
21 indictment on the same charges in superior court.