

HOUSE No. 1669

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>1/19/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/9/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/10/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/14/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>2/21/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/27/2023</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>3/3/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>3/3/2023</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>3/3/2023</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>3/6/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/7/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/7/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/7/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>3/9/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/10/2023</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>3/10/2023</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>3/10/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/10/2023</i>

<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/29/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>3/30/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>4/10/2023</i>
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>4/13/2023</i>

HOUSE No. 1669

By Representative McGonagle of Everett, a petition (accompanied by bill, House, No. 1669) of Joseph W. McGonagle, Jr., and others relative to the offense of assault and battery upon transit workers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1781 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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.