

HOUSE No. 1695

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker-Reid

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 promoting diversion of juveniles to community supervision and services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker-Reid</i>	<i>12th Suffolk</i>	<i>1/17/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/6/2025</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/11/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/18/2025</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>5/27/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>6/13/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>6/13/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>6/20/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>7/8/2025</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>9/3/2025</i>

HOUSE No. 1695

By Representative Fluker-Reid of Boston, a petition (accompanied by bill, House, No. 1695) of Brandy Fluker-Reid, Erika Uyterhoeven and Russell E. Holmes relative to promoting diversion of juveniles to community supervision and services. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1495 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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 1. Section 54A of chapter 119 of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by inserting, in line 16, after the word “assessment” the
3 following sentence:-

4 Any referral to the juvenile court for a child requiring assistance as defined in section
5 twenty-one, in accordance with the provisions of this section and of sections thirty-nine F to
6 thirty-nine I, inclusive, shall not disqualify said child from diversion.

7 SECTION 2. Said section 54A of chapter 119 of the General Laws is hereby further
8 amended by inserting, in line 38, after the word “proceedings” the following words:-

9 “, after consultation with legal counsel,”

SECTION 3. Said section 54A of chapter 119 of the General Laws is hereby further amended by striking out, in line 45, the words “(iv) any statement made by the child or the child’s family during the course of assessment” and inserting in place thereof the following words:-

(iv) any statement made by the child or the child’s family during the course of assessment; and (v) information obtained during the course of the assessment.

SECTION 4. Subsection (d) of said section 54A of chapter 119 of the General Laws is hereby amended by inserting after the last sentence the sentence:- “A case diverted by a district attorney shall not be considered an issuance of a criminal complaint for the purposes of section 37H½ of chapter 71.”

SECTION 5. Said section 54A of chapter 119 of the General Laws is hereby further amended by striking out, in line 87, the word “may” and inserting in place thereof the word:- “shall”

SECTION 6. Said section 54A of chapter 119 of the General Laws is hereby further amended by inserting after the words “any records of the”, in line 101, the following words:- “assessment and the”

SECTION 7. Said Section 54A of chapter 119 of the General Laws is hereby further amended by striking subsection (g) and inserting in place thereof the following subsection:-

(g) (1) A child otherwise eligible for diversion pursuant to this section shall not be eligible for diversion:

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

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

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

(iv) if the child is charged with an offense listed under the second sentence of section 70C of chapter 277; provided however, that a child shall be eligible for diversion if the child is charged with an offense under:

(A) paragraph (a) of subdivision (2) of section 24 of chapter 90;

(B) subsection (a) of section 13A of chapter 265;

(C) the first paragraph of section 13D of chapter 265;

(D) subsection (a) of section 13M, subsection of chapter 265

(E) (b) of section 15A of chapter 265

(F) subsection (b) of section 15B of chapter 265;

(G) section 13A of chapter 268; or

(H) Section 13C of said chapter 268.

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

49 SECTION 7. Chapter 276 of the General Laws is hereby amended by inserting after
50 section 100U, the following section:-

51 Section 100V. Notwithstanding any other provision to the contrary, after an arrest of a
52 person under the age of criminal majority, law enforcement and criminal justice agencies shall
53 not transmit fingerprints and any records related to the arrest or filing of a court case against the
54 person to the Federal Bureau of Investigation or the Department of Justice for any offense that
55 occurred before the age of criminal majority, except for purposes of requesting that the Federal
56 Bureau of Investigation or the Department of Justice seal or expunge its records as required by
57 section 100T of this chapter and section 36 of chapter 22C of the General laws.