HOUSE . . . . . No. 4515

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 22, 2025.

The committee on The Judiciary, to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4515) ought to pass [Representative Garry of Dracut dissents].

For the committee,

MICHAEL S. DAY.

FILED ON: 9/8/2025

HOUSE . . . . . No. 4515

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:

SECTION 1. Section 54A of chapter 119 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting, in line 16, after the word “assessment” the following sentence:-

Any referral to the juvenile court for a child requiring assistance as defined in section 21, in accordance with the provisions of this section and of sections 39F to 39I, inclusive, shall not disqualify said child from diversion.

SECTION 2. Said section 54A of said chapter 119 is hereby further amended by inserting, in line 38, after the word “proceedings” the following words:- , after consultation with legal counsel,

SECTION 3. Said section 54A of said chapter 119 is hereby further amended by striking out, in lines 45 to 47, inclusive, the words “and (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. Said section 54A of said chapter 119 is hereby further amended by striking out, in line 87, the words "may dismiss the original complaint pending against the child" and inserting in place thereof the words:- shall dismiss the original complaint pending against the child unless the report recommends against dismissal.

SECTION 5. Said section 54A of said chapter 119 is hereby further amended by inserting, in line 101, after the words "any records of the" the following words:- assessment and the

SECTION 6. Said Section 54A of said chapter 119 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) if the child is charged with an offense for which a penalty of incarceration greater than five years may be imposed, or for which there is a minimum penalty of incarceration; 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, subsection (a) of section 13M or subsection (b) of section 15B of chapter 265, or

(C) section13A or section 13C of chapter 268.

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