

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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 juvenile fees, fines, and restitution.

PETITION OF:

NAME:

Adam Gomez

DISTRICT/ADDRESS:

Hampden

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1005 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to juvenile fees, fines, and restitution.

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 178Q of Chapter 6, as appearing in the General Laws, as appearing
2 in the 2022 Official Edition, is hereby amended by inserting after “upon every sex offender” the
3 following:

4 except those who committed their offense while under the age of criminal majority.

5 SECTION 2. Chapter 119, as appearing in the General Law is hereby amended by
6 striking out Section 29A.

7 SECTION 3. Section 55 of Chapter 119 of the General Laws is hereby amended by
8 striking out the following words from the first paragraph:-

9 A parent, guardian or person with whom such child resides who is summoned to appear
10 before the court to show cause why such child shall not be adjudged a delinquent child by reason

11 of having committed the offense of willful or malicious destruction or wanton destruction of
12 property, in violation of the provisions of section one hundred and twenty-seven or one hundred
13 and twenty-seven A of chapter two hundred and sixty-six, and who willfully fails to so appear
14 shall be punished by a fine of not less than two hundred nor more than three hundred dollars.

15 SECTION 4. Section 58B of Chapter 119 of the General Laws is hereby amended by
16 inserting after the words “ section sixty-two “ the following words:-

17 subject to a determination of the youth's ability to pay. Restitution shall not be ordered in
18 excess of the youth’s ability to pay and the length of time it may take a youth to pay may not be
19 considered in determining the length of probation.”, and by amending it further by striking out
20 the following words “; and in addition to or in lieu of such disposition, the court may impose
21 upon such child a fine not exceeding the amount of the fine authorized for the violation of such
22 statute, by-law, ordinance or regulation. Any fine imposed under the authority of this section
23 shall be collected, recovered and paid over in the manner provided by chapters two hundred and
24 seventy-nine and two hundred and eighty; provided, however, that if any child shall neglect, fail
25 or refuse to pay a fine imposed under this section, he may be arrested upon order of the court and
26 brought before the court, which may thereupon place him in the care of a probation officer or
27 commit him to the custody of the department of youth services; but no such child shall be
28 committed to any jail, house of correction, or correctional institution of the commonwealth.

29 SECTION 5. Chapter 119, as appearing in the General Law is hereby amended by adding
30 the following section:

31 Section 58C. Notwithstanding any general or special law or rule or regulation to the
32 contrary, no fine or fee shall apply to any person based on an offense committed while under the
33 age of criminal majority or the person's parent, guardian, or legal custodian.

34 SECTION 6. Section 59 of Chapter 119, as appearing in the General Law, is hereby
35 amended by inserting after "warrant for his arrest" the following words:

36 except that a warrant may not issue solely for nonpayment of fines or fees.

37 SECTION 7. Section 62 of Chapter 119 of the General Laws is hereby amended by
38 striking the following words, "the court may require, as a condition thereof, that he shall make
39 restitution or reparation to the injured person to such an extent and in such sum as the court
40 determines. If the payment is not made at once, it shall be made to the probation officer, who
41 shall give a receipt therefor, keep a record of the payment, pay the money to said injured person,
42 and keep on file his receipt therefor." And replacing in place thereof the following words:-

43 the court may hold a restitution hearing. There shall be no mandatory order of restitution,
44 and any order shall be made at the discretion of the presiding judge. At a restitution hearing, the
45 court shall make a determination of a youth's ability to pay. The amount set may not exceed the
46 youth's ability to pay and the length of time it may take a youth to pay may not be taken into
47 consideration in determining the length of probation. The youth's term of probation shall not be
48 extended or revoked solely based upon the nonpayment of restitution. There shall be a
49 presumption of inability to pay, which may be rebutted at a restitution hearing by evidence
50 establishing that the youth (1) has an income that is 250% of the federal poverty line,
51 independent of parental or other family income; (2) is not currently incarcerated, detained, or in
52 out-of-home placement, and (3) is not receiving needs-tested government benefits, including but

53 not limited to free school lunch, SNAP, TANF, SSI, or housing assistance. A juvenile for whom
54 restitution is ordered who is not able to make restitution payments in the manner ordered by the
55 court may move the court for a modification of the restitution order. If the court determines the
56 juvenile is unable to pay the restitution in the time and manner ordered, the court may modify its
57 prior order to allow additional time for payment, reduce the amount of restitution, or eliminate
58 the amount of restitution ordered.

59 SECTION 8. Section 63 of Chapter 119, as appearing in the General Law, is hereby
60 amended by inserting after “any person” the following:

61 over the age of criminal majority

62 SECTION 9. Section 145 of Chapter 127, as appearing in the General Law, is hereby
63 amended by striking section (e) and replacing it with the following:

64 (e) A justice of the trial court shall not commit a person to a prison, place of confinement
65 or the department of youth services solely for the non-payment of money based on conduct that
66 occurred committed while under the age of criminal majority.

67 SECTION 10. Section 2 of Chapter 211D, as appearing in the General Law is hereby
68 amended by inserting after the words, “fee for the appointment of counsel”, the following
69 words:-

70 , except that no one accused of committing an offense while under the age of criminal
71 majority will be assessed any fee for the appointment of counsel

72 SECTION 11. Section 2A of Chapter 211D, as appearing in the General Law is hereby
73 amended by striking out the words “under 18 years of age,” and inserting in place thereof the
74 following:

75 under the age of criminal majority

76 SECTION 12. Section 8 of Chapter 258B, as appearing in the General Law is hereby
77 amended by striking the following words:- “who has attained the age of seventeen years and”

78 SECTION 13. Said section 8 of Chapter 258B, as appearing in the General Law is further
79 amended by striking the following sentence:- “The court shall impose an assessment of \$45
80 against any person who has attained the age of fourteen years and who is adjudicated a
81 delinquent child or against whom a finding of sufficient facts for a finding of delinquency is
82 made.”

83 SECTION 14. Said section 8 of Chapter 258B, as appearing in the General Law is further
84 amended by striking the following words:- “or adjudication”

85 SECTION 15. Said section 8 of Chapter 258B, as appearing in the General Law is further
86 amended by striking the following words:- “; provided, however, that the total assessment
87 against a person who has not attained seventeen years shall not exceed thirty dollars”

88 SECTION 16. Said section 8 of Chapter 258B, as appearing in the General Law is further
89 amended by striking the following words:- “or adjudication of delinquency”

90 SECTION 17. Section 1 of Chapter 258C of the General Laws is hereby amended by
91 striking the words, ““Victim”, a person who suffers personal physical or psychological injury or
92 death and inserting in place thereof:-

93 "Victim", a person who suffers a financial loss as the result of a crime committed by a
94 person under the age of criminal majority; personal physical or psychological injury; or death:

95 SECTION 18. Section 2 of Chapter 258C of the General Laws is hereby amended by
96 striking subsection (a) and inserting in place thereof:-

97 (a) No compensation shall be paid under this chapter unless the division finds that a
98 crime was committed and that such crime (i) was committed by a person under the age of
99 criminal majority and resulted in a financial loss to the victim or (ii) directly resulted in personal
100 physical or psychological injury to, or death of, the victim.

101 SECTION 19. Section 2 of Chapter 258C of the General Laws is hereby amended by
102 striking subsection (c) and inserting in place thereof:-

103 (c) A claimant shall be eligible for compensation only if such claimant cooperates with
104 law enforcement authorities in the investigation and prosecution of the crime in which the victim
105 suffered a financial loss as a result of a crime committed by a person under the age of criminal
106 majority or was injured or killed unless the claimant demonstrates that he possesses or possessed
107 a reasonable excuse for failing to cooperate.

108 SECTION 20. Section 47 of Chapter 265, as appearing in the General Laws, is hereby
109 amended by inserting after the words "paid by the probationer," the following words:-

110 over the age of criminal majority

111 SECTION 21. Section 30 of Chapter 276, as appearing in the General Laws, is hereby
112 amended by inserting in the first sentence after the words "any person," the following words:-

113 excepting individuals alleged to have committed an offense while under the age of
114 criminal majority,

115 SECTION 22. Section 87A of Chapter 276, as appearing in the General Laws, is hereby
116 amended by striking out the words, or (ii) solely on the basis of possession or use of medical
117 marijuana obtained in compliance with and in quantities consistent with applicable state
118 regulations if that person received a written certification from a healthcare professional for the
119 use of medical marijuana to treat a debilitating medical condition and the person possesses a
120 valid medical marijuana registration card and if the quantity in the person's possession is not
121 greater than the amount recommended in the healthcare professional's written certification.” and
122 inserting in place thereof, the following words:-

123 (ii) solely on the basis of possession or use of medical marijuana obtained in compliance
124 with and in quantities consistent with applicable state regulations if that person received a written
125 certification from a healthcare professional for the use of medical marijuana to treat a debilitating
126 medical condition and the person possesses a valid medical marijuana registration card and if the
127 quantity in the person's possession is not greater than the amount recommended in the healthcare
128 professional's written certification. or (iii) solely on the basis of nonpayment of a fine, fee or
129 other monetary obligation imposed as a result of an offense committed while under the age of
130 criminal majority.

131 SECTION 23. Section 6 of Chapter 280, as appearing in the General Laws, is hereby
132 amended after the words “criminal defendant” the following words:-

133 over the age of criminal majority

134 SECTION 24. On the effective date of this section, the balance of any court-assessed or
135 court-ordered fines or costs imposed against a juvenile, or other person who is liable for the
136 support of a juvenile, are unenforceable and not collectable.