HOUSE DOCKET, NO. 3403 FILED ON: 1/21/2011

HOUSE . . . . . No. 2858

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 to authorize fining or arresting individuals aggressively loitering.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	*14th Suffolk*
Thomas M. Menino	*Mayor, City of Boston*

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By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2858) of Angelo M. Scaccia and Thomas M. Menino relative to authorize the fining or arresting of individuals aggressively loitering. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3778* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to authorize fining or arresting individuals aggressively loitering.

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. Chapter 272 of the General Laws is hereby amended by inserting the following new section:-

Section 53B. Aggressively loitering; penalties

Whoever aggressively loiters at the entrance or exit of a retail establishment, blocking that entrance or exit from patrons, after having been forbidden to do so either by notice posted thereon, or by the person who has the lawful control of said premises, or by any police officer, shall be punished by a fine of not more than one hundred dollars and may be arrested without a warrant by such officer and kept in custody in a convenient place, not more than twenty-four hours, Sundays and legal holidays excepted, at or before the expiration of which time he shall be taken before a proper court or magistrate and proceeded against according to law.

For the purposes of this Act, “aggressive” shall be defined as (a) Any conduct that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in that person's immediate possession; or (b) intentionally or recklessly blocking or interfering with the safe or free passage of the persons attempting to enter retail establishments, whether the person is a pedestrian or the operator of a vehicle, including the situation where the person takes evasive action to avoid physical contact with the person loitering; or (c) intentionally touching or making any physical contact with the person entering or exiting the retail establishment without the person's consent.