HOUSE DOCKET, NO. 597 FILED ON: 1/18/2011

HOUSE . . . . . No. 419

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello

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 civil infractions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	*1st Essex*

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HOUSE . . . . . No. 419

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 419) of Michael A. Costello relative to certain civil infractions. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to civil infractions.

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 23 of chapter 90 of the General Laws, as most recently amended by section 67 of Chapter 27 of the Acts of 2009, is hereby further amended by inserting after the words, "not more than $500", in the first sentence of the second paragraph the following:-

; provided further, that notwithstanding any general or special law to the contrary, a finding of delinquency shall not be entered against any person against whom such a complaint has been issued

SECTION 2. The fourth paragraph of section 34J of said chapter 90 of the General Laws, as most recently amended by section 70 of chapter 27 of the Acts of 2009, is hereby further amended by adding at the end thereof the following:-

; provided further, that notwithstanding any general or special law to the contrary, any person who violates this section and has not been previously determined responsible for or convicted therefor, or against whom a finding of delinquency or a finding of sufficient facts to

13 support a conviction has not previously been rendered, shall not have a finding of delinquency
14 entered against him

15 SECTION 3. Section 52 of chapter 119 of the General Laws, as appearing in the 2008
16 Official Edition, is hereby amended by striking out the definition of "Delinquent Child" in the
17 second paragraph and inserting in place thereof the following new definition:-

18 "Delinquent Child", a child between seven and eighteen who commits any offence
19 against a law of the commonwealth, provided however, that such offense shall not include a civil
20 infraction, a violation of any municipal ordinance or town by-law, or a misdemeanor for which
21 the punishment is a fine, imprisonment in a jail or house of correction for not more than six
22 months, or both such fine and imprisonment.

23 SECTION 4. Said section 52 of said chapter, as so appearing, is hereby further amended
24 by inserting at the end thereof the following new definition:-

25 "Civil Infraction", a violation for which a civil proceeding is allowed, and for which the
26 court shall not appoint counsel, or sentence any term of incarceration.

27 SECTION 5. Section 53 of chapter 272 of the General Laws, as most recently amended
28 by section 98 of chapter 27 of the Acts of 2009, is hereby further amended by inserting at the end
29 thereof the following new clause:-

30 (c) Notwithstanding any general or special law to the contrary, any person who violates
31 clause (a) or (b) of this section shall not have a finding of delinquency entered against him.

32 SECTION 6. Paragraph 1 of section 70C of chapter 277 of the General Laws, as

33 appearing in the 2008 Official Edition, is hereby amended by striking out in the second sentence

34 the words:- “chapter 119,”