HOUSE DOCKET, NO. 666 FILED ON: 1/14/2013

HOUSE . . . . . No. 1644

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan and Cheryl A. Coakley-Rivera

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 decriminalizing non-violent and verbal student misconduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin Swan	*11th Hampden*
Mental Health Legal Advisors Committee	*24 School Street, 8th Floor*
Cheryl A. Coakley-Rivera	*10th Hampden*
Ruth B. Balser	*12th Middlesex*
Aaron Vega	*5th Hampden*
Kenneth I. Gordon	*21st Middlesex*
Gale D. Candaras	*First Hampden and Hampshire*

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By Representatives Swan of Springfield and Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 1644) of Benjamin Swan, Cheryl A. Coakley-Rivera and others relative to the punishment of young children who verbally disrupt school settings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act decriminalizing non-violent and verbal student misconduct.

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 is hereby further amended by striking out section 40, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

Section 40. Whoever wilfully interrupts or disturbs an assembly of people met for a lawful purpose shall be punished by a fine of not more than fifty dollars; provided, however, that an interruption or disturbance alleged to be created by a student in a school shall not be considered willful unless the student has received at least 2 prior written warnings in the current school year from the school principal arising from such conduct, and has received assistance in controlling such behavior reasonably calculated to cause it to cease. Assistance shall include, but is not limited to, a functional behavioral assessment that accounts for the circumstances tending to trigger disruptive behavior and that correlates with a behavioral intervention plan prescribing appropriate responses to behavior that may de-escalate disruptions. No student whose conduct would otherwise be considered willful shall be in violation of this section unless prescribed responses are utilized prior to any arrest. Whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.

SECTION 2: Chapter 272 is hereby further amended by striking out section 53 subsection (b), as appearing in the 2010 Official Edition, and inserting in place thereof the following subsection:-

20 Section 53. (b) Disorderly persons and disturbers of the peace, for the first offense, shall
21 be punished by a fine of not more than $150. On a second or subsequent offense, such person
22 shall be punished by imprisonment in a jail or house of correction for not more than 6 months, or
23 by a fine of not more than $200, or by both such fine and imprisonment, provided, however, that
24 a student shall not be convicted or adjudicated for a violation of this provision based on conduct
25 in school or at school-related events except under c. 272 § 40.