HOUSE DOCKET, NO. 1152 FILED ON: 1/16/2013

HOUSE . . . . . No. 1276

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 passage of the accompanying:

An Act relative to civil infractions for juveniles.

PETITION OF:

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

HOUSE DOCKET, NO. 1152 FILED ON: 1/16/2013

HOUSE . . . . . No. 1276

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 1276) of Michael A. Costello relative to certain civil infractions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *419* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to civil infractions for juveniles.

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. The first sentence of the second paragraph of section 23 of chapter 90 of the General Laws, appearing in the 2010 Official Edition, is hereby amended by inserting after the words, "not more than $500", 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 so appearing, is hereby 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 support a conviction has not previously been rendered, shall not have a finding of delinquency entered against him

SECTION 3. Section 52 of chapter 119 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the definition of "Delinquent Child" in the second paragraph and inserting in place thereof the following new definition:-

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

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

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

26 SECTION 5. Section 53 of chapter 272 of the General Laws, as appearing in the 2010
27 Official Edition, is hereby further amended by inserting at the end thereof the following new
28 clause:-

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

31 SECTION 6. Paragraph 1 of section 70C of chapter 277 of the General Laws, as
32 appearing in the 2010 Official Edition, is hereby amended by striking out in the second sentence
33 the words:- “chapter 119,”