SENATE DOCKET, NO. 983 FILED ON: 1/20/2011

SENATE . . . . . No. 1042

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 allowing for the decriminalization of minor offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	☐ *[District]* ☐
Geraldo Alicea	*6th Worcester*
Anne M. Gobi	*5th Worcester*
William N. Brownsberger	☐ *[District]* ☐
Richard T. Moore	☐ *[District]* ☐
Thomas J. Calter	*12th Plymouth*
Bradley H. Jones, Jr.	*20th Middlesex*
Daniel B. Winslow	*9th Norfolk*
Peter V. Kocot	*1st Hampshire*
Stephen L. DiNatale	*3rd Worcester*
Paul Brodeur	*32nd Middlesex*
William C. Galvin	*6th Norfolk*

Alice Hanlon Peisch	*14th Norfolk*
Jennifer E. Benson	*37th Middlesex*
Geoff Diehl	*7th Plymouth*
Todd M. Smola	*1st Hampden*
Carolyn C. Dykema	*8th Middlesex*
Christopher N. Speranzo	*3rd Berkshire*
Stephen Stat Smith	*28th Middlesex*
Jason M. Lewis	*31st Middlesex*
John D. Keenan	*7th Essex*
Gailanne M. Cariddi	*1st Berkshire*
James J. Dwyer	*30th Middlesex*
F. Jay Barrows	*1st Bristol*
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Michael R. Knapik	☐ *[District]* ☐
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Donald H. Wong	*9th Essex*
Thomas P. Conroy	*13th Middlesex*
David T. Vieira	*3rd Barnstable*
Theodore C. Speliotis	*13th Essex*
Cleon H. Turner	*1st Barnstable*
David M. Nangle	*17th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Kimberly N. Ferguson	*1st Worcester*
John J. Binienda	*17th Worcester*
Jennifer L. Flanagan	☐ *[District]* ☐
David M. Torrisi	*14th Essex*
Eileen M. Donoghue	☐ *[District]* ☐
Matthew A. Beaton	*11th Worcester*
James Arciero	*2nd Middlesex*
John V. Fernandes	*10th Worcester*
Paul W. Mark	*2nd Berkshire*
Katherine M. Clark	*Middlesex and Essex*
Colleen M. Garry	*36th Middlesex*

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SENATE . . . . . No. 1042

By Mr. Moore, petition (accompanied by bill, Senate, No. 1042) of Clark, Mark, Fernandes and other members of the General Court for legislation to allow for the decriminalization of minor offenses [Joint Committee on Municipalities and Regional Government].

The Commonwealth of Massachusetts

An Act allowing for the decriminalization of minor offenses.

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 21D of chapter 40 of the General Laws as appearing in the 2010 Official Edition is hereby amended by inserting in line 2 after the word "of" the following language:-

"misdemeanors not ineligible for decriminalization under chapter two hundred seventy seven section seventy C, any matters deemed civil infractions by any general or special law, and any"

SECTION 2. Section 21D of chapter 40 of the General Laws as appearing in the 2010 Official Edition is hereby amended by inserting after line 4 the following paragraph:-

"A police officer taking cognizance of any such violation may request the offender to state his name and address. Whoever, upon such request, refuses to state his name and address, or states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than twenty nor more than fifty dollars. Any such offender who refuses upon such request to state his name and address or states a false name and address or a name and address which is not his name and address in ordinary use may be arrested without a warrant."

SECTION 3. Section 21D of chapter 40 of the General Laws as appearing in the 2010 Official Edition is hereby amended by inserting in line 6 after the word "a" the following words:- "misdemeanor, civil infraction,"

SECTION 4. Section 21D of chapter 40 of the General Laws as appearing in the 2010 Official Edition is hereby amended by striking in line 8 the following words:- "shall, or, if so provided in such ordinance or by-law," The comma after "may" in line 8 shall also be stricken.

22 SECTION 5. Section 21D of chapter 40 of the General Laws in the 2010 Official
23 Edition is hereby amended by inserting in line 64 after the word “appropriate” the following
24 words:- “,misdemeanor, civil infraction,”

25 SECTION 6. Section 21D of chapter 40 of the General Laws is hereby amended by
26 inserting in line 64 after the word “regulation.” the following words:- “Such persons shall also
27 be punished by a fine of not less than twenty nor more than fifty dollars. If the person fails,
28 without good cause, to appear in response to the summons, and the court has satisfactory proof of
29 service of said summons, an arrest warrant may be issued, and shall be served by any officer
30 authorized to serve criminal process.”