

SENATE No. 947

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 promoting transparency, best practices, and better outcomes for children and communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/25/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/30/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/31/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/31/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/31/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/1/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/2/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>

<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/3/2017</i>

SENATE No. 947

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 947) of Karen E. Spilka, Jason M. Lewis, James B. Eldridge, Jack Lewis and other members of the General Court for legislation to promote transparency, best practices, and better outcomes for children and communities. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 905 OF 2015-2016.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninetieth General Court
(2017-2018)**
—————

An Act promoting transparency, best practices, and better outcomes for children and communities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 167 of chapter 6 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in lines 38, 40 and 41, the figure “18”and
3 inserting in place thereof the following figure:- 19.

4 SECTION 2. Said section 167 of said chapter 6 is hereby further amended by striking out
5 the figure “19”, in lines 38, 40 and 41, and inserting in place thereof the following figure:- 20.

6 SECTION 3. Said section 167 of said chapter 6 is hereby further amended by striking out
7 the figure “20”, in lines 38, 40 and 41, and inserting in place thereof the following figure:- 21.

8 SECTION 4. Section 20 of chapter 31 of the General Laws, as appearing in the 2014
9 Official Edition, is hereby amended by striking out in line 10 the figure “18” and inserting in
10 place thereof the following figure:- 19.

11 SECTION 5. Said section 20 of said chapter 31 is hereby further amended by striking out
12 the figure “19”, in line 10, and inserting in place thereof the following figure:- 20.

13 SECTION 6. Said section 20 of said chapter 31 is hereby further amended by striking out
14 the figure “20”, in line 10, and inserting in place thereof the following figure:- 21.

15 SECTION 7. Section 24 of chapter 37 of the General Laws, as appearing in the 2014
16 Official Edition, is hereby amended by striking out the figure “18”, in line 14, and inserting in
17 place thereof the following figure:- 19.

18 SECTION 8. Said section 24 in said chapter 37 is hereby further amended by striking out
19 the figure “19”, in line 14, and inserting in place thereof the figure:- 20.

20 SECTION 9. Said section 24 in said chapter 37 is hereby further amended by striking out
21 the figure “20”, in line 14, and inserting in place thereof the figure:- 21.

22

23 SECTION 10. Subsection (b) of section 37P of chapter 71 of the General Laws, as
24 appearing in the 2014 Official Edition, is hereby amended by striking out the second paragraph
25 and inserting in place thereof the following paragraph:-

26 In selecting a school resource officer, the chief of police shall assign candidates that the
27 chief believes would strive to foster an optimal learning environment and educational
28 community; provided, however, that the chief of police shall give preference to candidates who

29 have received specialized training in (i) child and adolescent development, de-escalation and
30 conflict resolution techniques with children and adolescents; (ii) behavioral health disorders in
31 children and adolescents; (iii) alternatives to arrest and other juvenile justice diversion strategies;
32 and (iv) behavioral threat assessment methods. The appointment shall not be based solely on
33 seniority. The performance of school resource officers shall be reviewed annually by the
34 superintendent and the chief of police. The superintendent and the chief of police shall enter into
35 a written memorandum of understanding to clearly define the role and duties of the school
36 resource officer which shall be placed on file in the offices of the school superintendent and the
37 chief of police. The memorandum of understanding shall: (A) state that the school resource
38 officer may use traditional policing techniques, including arrest, citation and court referral only
39 when necessary to address and prevent serious, real and immediate threats to the physical safety
40 of the school and the wider community; (B) state that school resource officer shall not become
41 involved in routine discipline in response to nonviolent school infractions, including tardiness,
42 loitering, use of profanity, dress code violations and disruptive or disrespectful behaviors; (C) set
43 forth protocols for utilizing the expertise of mental health professionals in addressing the needs
44 of students with behavioral and emotional difficulties in crisis situations and otherwise; (D)
45 require school resource officers to devote professional development time to school-based or
46 other training activities that promote heightened awareness of the various challenges faced by
47 students in the school to which they are assigned, with an emphasis on those that impart
48 information regarding child development, including the incidence and impact of adverse
49 childhood experiences, de-escalation techniques and implicit or unconscious bias; (E) specify
50 how the school and police departments shall regularly monitor and assure that school resource
51 officer is complying with the terms of the memorandum of understanding and avoiding

52 inappropriate arrest, citation or court referral; and (F) specify the manner and division of
53 responsibility for collecting and reporting all school based arrests, citations and court referrals of
54 students to the department of elementary and secondary education in accordance with regulations
55 promulgated by that department which shall collect and publish disaggregated data in a like
56 manner as school discipline data is made available for public review.

57 SECTION 11. Section 23 of chapter 90 of the General Laws, as so appearing, is hereby
58 amended by inserting after the figure “\$500”, in line 53, the following words:- ; provided,
59 however, that notwithstanding any general or special law to the contrary, a finding of
60 delinquency shall not be entered against a person against whom such a complaint has been
61 issued.

62 SECTION 12. Section 34J of said chapter 90, as so appearing, is hereby amended by
63 inserting after the figure “\$500” in line 59, the following words:- ; provided, however, that
64 notwithstanding any general or special law to the contrary, any person who violates this section
65 who has not been previously determined responsible for or convicted of a violation of this
66 section, or against whom a finding of delinquency or a finding of sufficient facts to support a
67 conviction has not been previously rendered, shall not have a finding of delinquency entered
68 against such person.

69 SECTION 13. Section 32H of chapter 94C, as appearing in the 2014 Official Edition, is
70 hereby amended by striking out the figure “18”, in lines 33 and 34, and inserting in place thereof
71 the following figure:- 19

72 SECTION 14. Said section 32H of said chapter 94C is hereby further amended by
73 striking out the figure “19”, in lines 33 and 34, and inserting in place thereof the figure:- 20

74 SECTION 15. Said section 32H of said chapter 94C is hereby further amended by
75 striking out the figure “20”, in lines 33 and 34, and inserting in place there of the figure:- 21

76 SECTION 16. Section 32M of chapter 94C of the General Laws, as appearing in the 2014
77 Official Edition, is hereby amended by striking out the word “eighteen”, in line 1, and inserting
78 in place thereof the following word:- 19

79 SECTION 17. Said section 32M of said chapter 94C is hereby further amended by
80 striking out the word “19”, in line 1, and inserting in place there of the following word:- 20

81 SECTION 18. Said section 32M of said chapter 94C is hereby further amended by
82 striking out the word “20”, in line 1, and inserting in place there of the following figure:- 21

83 SECTION 19. Said section 32M of said chapter 94C of is hereby amended by striking out
84 the figure “18”, in line 6, and inserting in place thereof the following figure:- 19

85 SECTION 20. Said section 32M of said chapter 94C is hereby further amended by
86 striking out the figure “19”, in line 6, and inserting in place there of the following figure:- 20

87 SECTION 21. Said section 32M of said chapter 94C is hereby further amended by
88 striking out the figure “20”, in line 6, and inserting in place there of the following figure:- 21

89 SECTION 22. Section 36 of said chapter 94C is hereby amended by striking out the word
90 “eighteenth”, in line 6, and inserting in place thereof the following word:-nineteenth

91 SECTION 23. Said section 36 of said chapter 94C is hereby further amended by striking
92 out the word “nineteenth”, in line 6, and inserting in place there of the following word:-
93 twentieth

94 SECTION 24. Said section 36 of said chapter 94C is hereby further amended by striking
95 out the word “twentieth”, in line 6, and inserting in place there of the following word:- twenty
96 first

97 SECTION 25. Section 52 of chapter 119 of the General Laws, as so appearing, is hereby
98 amended by striking out the definitions of “Court” and “Delinquent child” and inserting in place
99 thereof the following 3 definitions:-

100 “Civil infraction”, a violation for which a civil proceeding is allowed and for which the
101 court shall neither sentence a violator to a term of incarceration nor appoint counsel pursuant to
102 chapter 211D.

103 “Court,” a division of the juvenile court department of the trial court.

104 “Delinquent child”, a child between 12 and 18 years of age who commits an offense
105 against a law of the commonwealth; provided, however, that such offense shall not include a
106 civil infraction or a violation of a municipal ordinance or by-law.

107 SECTION 26. Section 52 of chapter 119, as appearing in the 2014 Official Edition, is
108 hereby amended by striking out the figure “18”, in line 5, and inserting in place thereof the
109 following figure:- 19

110 SECTION 27. Said section 52 of said chapter 119 is hereby further amended by striking
111 out the figure “19”, in line 5, and inserting in place thereof the following figure:- 20

112 SECTION 28. Said section 52 of said chapter 119 is hereby further amended by striking
113 out the figure “20”, in line 5, and inserting in place thereof the following figure:- 21

114 SECTION 29. Said section 52 of said chapter 119 is hereby further amended by striking
115 out, the figure “18”, in line 15, and inserting in place thereof the following figure:- 19

116 SECTION 30. Said section 52 of said chapter 119 is hereby further amended by striking
117 out the figure “19”, in line 15, and inserting in place thereof the following figure:- 20

118 SECTION 31. Said section 52 of said chapter 119 is hereby further amended by striking
119 out the figure “20”, in line 15, and inserting in place thereof the following figure:- 21

120 SECTION 32. Section 54 of said chapter 119, as so appearing, is hereby amended by
121 striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 12.

122 SECTION 33. Section 54 of said chapter 119 is hereby amended by striking out the
123 figure “18”, in lines 2 and 21, and inserting in place thereof the following figure:- 19

124 SECTION 34. Said section 54 of said chapter 119 is hereby further amended by striking
125 out the figure “19”, in lines 2 and 21, and inserting in place thereof the following figure:- 20

126 SECTION 35. Said section 54 of said chapter 119 is hereby further amended by striking
127 out the figure “20”, in lines 2 and 21, and inserting in place thereof the following figure:- 21

128 SECTION 36. Section 58 of said chapter 119 is hereby amended by striking out the
129 second paragraph.

130 SECTION 37. The first paragraph of section 58 of said chapter 119 is hereby amended by
131 striking out the words “that any such probation may be imposed until such child reaches age
132 eighteen or age nineteen in the case of a child whose case is disposed of after he has attained his
133 eighteenth birthday or age 20 in the case of a child whose case is disposed of after he attains his
134 nineteenth birthday”, in lines 8 to 12, inclusive, and inserting in place thereof the following

135 words:- that any such probation may, in the case of an offense that occurred prior to the child's
136 eighteenth birthday, be imposed until such child reaches age 18 or 19 in the case of a child
137 whose case is disposed of after the child has attained the child's eighteenth birthday or age 20 in
138 the case of a child whose case is disposed of after the child attains the child's nineteenth
139 birthday. In the case of an offense that occurred on or after the child's eighteenth birthday, such
140 probation may be imposed until such child reaches age 19 or age 20 in the case of a child whose
141 case is disposed of after the child has attained the child's nineteenth birthday, or age 21 in the
142 case of a child whose case is disposed of after the child attains the child's twentieth birthday.

143 SECTION 38. Said section 58 is hereby further amended by inserting after the words "
144 after he attains his twentieth birthday", in line 12, the following words:- or age 22 in the case of a
145 child whose case is disposed of after the child attains the child's twenty-first birthday

146 SECTION 39. Section 58 is hereby further amended by inserting after the words "his
147 twenty first birthday", in line 12, the following words:- or age 23 in the case of a child whose
148 case is disposed of after the child attains the child's twenty-second birthday

149 SECTION 40. Said section 58 of said chapter 119, as so appearing, is hereby further
150 amended by inserting after the words "attains the age of eighteen", in lines 26 to 27,
151 inclusive, the following words:- in a case where the offense occurred prior to the child's
152 eighteenth birthday,

153 SECTION 41. Section 58 of said chapter 119, as so appearing, is hereby further amended
154 by inserting after the words "nineteenth birthday", in lines 29 to 30, inclusive, the following
155 words:- In a case where the offense occurred on or after the child's eighteenth birthday, the
156 probationary or commitment period shall not be for a period longer than until such child attains

157 the age of nineteen, or twenty in the case of a child whose case is disposed of after he has
158 attained his nineteenth birthday, or twenty-one in the case of a child whose case is disposed after
159 he has attained his twentieth-birthday, or twenty-two in the case of a child whose case is
160 disposed of after he has attained his twenty-first birthday.

161 SECTION 42. Said section 58 of said chapter 119, is hereby further amended by
162 inserting after the words “twenty-one”, in line 38, the following words:- in a case where the
163 offense occurred prior to the child’s eighteenth birthday, or until he reaches the age of twenty-
164 three in the case of a child whose offense occurred on or after the child’s eighteenth birthday

165 SECTION 43. Said section 58 of said chapter 119, is hereby further amended by
166 inserting after the words “twenty-one”, in lines 46 to 47, inclusive, the following words:- in a
167 case where the offense occurred prior to the child’s eighteenth birthday, or until he reaches the
168 age of twenty-three in the case of a child whose offense occurred on or after the child’s
169 eighteenth birthday

170 SECTION 44. Said section 58 of said chapter 119, is hereby further amended by
171 inserting after the words “juvenile court probation department until the age of twenty-one”, in
172 line 48, the following words:- in a case where the offense occurred prior to the child’s eighteenth
173 birthday, or until the age of twenty-three in the case of a child whose offense occurred on or after
174 the child’s eighteenth birthday

175 SECTION 45. Said section 58 of said chapter 119 is hereby further amended by inserting
176 after the words “twenty-one”, in line 54, the following words:- in a case where the offense
177 occurred prior to the child’s eighteenth birthday, or until he reaches the age of twenty-three in
178 the case of a child whose offense occurred on or after the child’s eighteenth birthday

179 SECTION 46. The fifth paragraph of section 58 of said chapter 119, is hereby amended
180 by striking out the words “eighteenth”, in line 79, and inserting in place thereof the following
181 words:- “twenty-first”

182 SECTION 47. Said section 58 of said chapter 119 is hereby further amended by striking
183 out the words “until such child attains his eighteenth birthday or his nineteenth birthday in the
184 case of a child whose case is disposed of after he has attained his eighteenth birthday”, in lines
185 97 to 99, inclusive, and inserting the following words:- until such child attains his nineteenth
186 birthday or his twentieth birthday in the case of a child whose case is disposed of after he has
187 attained his nineteenth birthday

188 SECTION 48. Said section 58 of said chapter 119 is hereby further amended by striking
189 out the words “ until such child attains his nineteenth birthday or his twentieth birthday in the
190 case of a child whose case is disposed of after he has attained his nineteenth birthday”, in lines
191 97 to 99, inclusive, and inserting the following words:- until such child attains his twentieth
192 birthday or his twenty first birthday in the case of a child whose case is disposed of after he has
193 attained his twentieth birthday

194 SECTION 49. Said section 58 of said chapter 119 is hereby further amended by striking
195 out the words“ until such child attains his twentieth birthday or his twenty first birthday in the
196 case of a child whose case is disposed of after he has attained his twentieth birthday”, in lines 97
197 to 99, inclusive, and inserting the following words:- until such child attains his twenty first
198 birthday or his twenty second birthday in the case of a child whose case is disposed of after he
199 has attained his twenty first birthday

200 SECTION 50. Section 60A of said chapter 119 is hereby amended by striking out the
201 word “eighteenth”, in line 17, and inserting in place thereof the following word:- nineteenth

202 SECTION 51. Said section 60A of said chapter 119 is hereby further amended by striking
203 out the word, “nineteenth”, in line 17, and inserting in place thereof the following word:-
204 twentieth

205 SECTION 52. Said section 60A of said chapter 119 is hereby further amended by striking
206 out the word, “twentieth”, in line 17, and inserting in place thereof the following words:- twenty
207 first

208 SECTION 53. Said section 60A of said chapter 119 is hereby further amended by striking
209 out the figure, “18”, in lines 20 and 22, and inserting in place thereof the following figure:- 19

210 SECTION 54. Said section 60A of said chapter 119 is hereby further amended by striking
211 out the figure, “19”, in lines 20 and 22 and inserting in place thereof the following figure:- 20

212 SECTION 55. Said section 60A of said chapter 119 is hereby further amended by striking
213 out the figure, “20”, in lines 20 and 22, and inserting in place thereof the following figure:- 21

214 SECTION 56. Section 63A of said chapter 119 is hereby amended by striking out the
215 figure “19”, in line 1, and inserting in place thereof the following figure:- 20

216 SECTION 57. Said section 63A of said chapter 119 is hereby further amended by striking
217 out the figure “20”, in line 1, and inserting in place thereof the following figure:- 21

218 SECTION 58. Said section 63A of said chapter 119 is hereby amended by striking out the
219 figure “21”, in line 1, and inserting in place thereof the following figure:- 22

220 SECTION 59. Said section 63A of said chapter 119 is hereby further amended by striking
221 out the figure “18”, in line 2, and inserting in place thereof the following figure:- 19

222 SECTION 60. Said section 63A of said chapter 119 is hereby further amended by striking
223 out the figure “19”, in line 2, and inserting in place thereof the following figure:- 20

224 SECTION 61. Said section 63A of said chapter 119 is hereby further amended by striking
225 out the figure “20”, in line 2, and inserting in place thereof the following figure:- 21

226 SECTION 62. Section 65 of said chapter 119 is hereby amended by striking out the
227 figure “18”, in line 2, and inserting in place thereof the following figure:-19

228 SECTION 63. Said section 65 of said chapter 119 is hereby further amended by striking
229 out the figure “19”, in line 2, and inserting in place thereof the following figure:- 20

230 SECTION 64. Said section 65 of said chapter 119 is hereby further amended by striking
231 out the figure “20”, in line 2, and inserting in place thereof the following figure:- 21

232 SECTION 65. Section 66 of said chapter 119 is hereby amended by striking out the
233 figure “18”, in lines 3 and 5, and inserting in place thereof the following figure:- 19

234 SECTION 66. Said section 66 of said chapter 119 is hereby further amended by striking
235 out the figure “19”, in lines 3 and 5, and inserting in place thereof the following figure:- 20

236 SECTION 67. Said section 66 of said chapter 119 is hereby further amended by striking
237 out the figure “20”, in lines 3 and 5, and inserting in place thereof the following figure:- 21

238 SECTION 68. Section 67 of said chapter 119, as so appearing, is hereby amended by
239 striking out, in line 2, the word “seven” and inserting in place thereof the following figure:- 12.

240 SECTION 69. Section 67 of said chapter 119 is hereby amended by striking out the
241 figure “18”, in lines 2, 20, 21, 37 and 47, and inserting in place thereof the following figure:- 19

242 SECTION 70. Said section 67 of said chapter 119 is hereby further amended by striking
243 out the figure “19”, in lines 2, 20, 21, 37 and 47, and inserting in place thereof the following
244 figure:- 20

245 SECTION 71. Said section 67 of said chapter 119 is hereby further amended by striking
246 out the figure “20”, in lines 2, 20, 21, 37 and 47, and inserting in place thereof the following
247 figure:- 21

248 SECTION 72. Section 68 of said chapter 119, as so appearing, is hereby amended by
249 striking out, in lines 1 and 34, the word “seven” and inserting in place thereof, in each instance,
250 the following figure:- 12.

251 SECTION 73. Said section 68 of said chapter 119 is hereby further amended by striking
252 out the figure “18”, in lines 2, 34 and 52, and inserting in place thereof the following figure:- 19

253 SECTION 74. Said section 68 of said chapter 119 is hereby further amended by striking
254 out the figure “19”, in lines 2, 34 and 52, and inserting in place thereof the following figure:- 20

255 SECTION 75. Said section 68 of said chapter 119 is hereby further amended by striking
256 out the figure “20”, in lines 2, 34 and 52, and inserting in place thereof the following figure:- 21

257 SECTION 76. Section 68A of said chapter 119, as so appearing, is hereby amended by
258 striking out, in line 1, the word “seven” and inserting in place thereof the following figure:- 12.

259 SECTION 77. Said section 68A of said chapter 119 is hereby further amended by striking
260 out the figure “18”, in line 1, figureand inserting in place thereof the following figure:- 19.

261 SECTION 78. Said section 68A of said chapter 119 is hereby further amended by striking
262 out the figure “19”, in line 1, figure and inserting in place thereof the following figure:- 20.

263 SECTION 79. Said section 68A of said chapter 119 is hereby further amended by striking
264 out the figure “20”, in line 1, and inserting in place thereof the following figure:- 21.

265 SECTION 80. Section 70 of said chapter 119, as so appearing, is hereby amended by
266 striking out the figure “18”, in line 2, figure and inserting in place thereof the following figure:-
267 19.

268 SECTION 81. Said section 70 of said chapter 119 is hereby further amended by striking
269 out the figure “19”, in line 2, and inserting in place thereof the following figure:- 20.

270 SECTION 82. Said section 70 of said chapter 119 is hereby further amended by striking
271 out the figure “20”, in line 2, and inserting in place thereof the following figure:- 21.

272 SECTION 83. Section 72 of said chapter 119 is hereby amended by striking out the word
273 “eighteenth”, in line 3, and inserting in place thereof the following word:- nineteenth.

274 SECTION 84. of Said section 72 of said chapter 119 is hereby further amended by
275 striking out the word “nineteenth”, in line 3, and inserting in place thereof the following word:-
276 twentieth.

277 SECTION 85. Said section 72 of said chapter 119 is hereby further amended by striking
278 out the word “twentieth”, in line 3, and inserting in place thereof the following word:- twenty-
279 first.

280 SECTION 86. Said Section 72 of said chapter 119 is hereby amended by striking out the
281 word “twentieth”, in line 9, and inserting in place thereof the following word:- twenty-first.

282 SECTION 87. Said section 72 of said chapter 119 is hereby further amended by striking
283 out the word “twenty-first”, inline 9, and inserting in place thereof the following word:- twenty-
284 second.

285 SECTION 88. said section 72 of said chapter 119 is hereby further amended by striking
286 out the word “twenty second”,in line 9, and inserting in place thereof the following words:-
287 twenty-third.

288 SECTION 89. Said section 72 of said chapter 119, as so appearing, is hereby further
289 amended by striking outthe words “ prior to his eighteenth birthday, and is not apprehended until
290 between such child’s eighteenth and nineteenth birthday, the court shall deal with such child in
291 the same manner as if he has not attained his eighteenth birthday” , in lines 10 to 13, inclusive,
292 and inserting in place thereof the following words:- prior to a child’s nineteenth birthday, and is
293 not apprehended until between such child’s nineteenth and twentieth birthday, the court shall
294 deal with such child in the same manner as if the child has not attained the child’s nineteenth
295 birthday.

296 SECTION 90. Said section 72 of said chapter 119 are hereby further amended by striking
297 out the words “prior to his nineteenth birthday, and is not apprehended until between such child’s
298 nineteenth and twentieth birthday, the court shall deal with such child as if he has not attained his
299 nineteenth birthday”, in lines 10 to 13, inclusive, and inserting in place thereof the following
300 words:- prior to the child’s twentieth birthday, and is not apprehended until between such child’s
301 twentieth and twenty-first birthday, the court shall deal with such child as if the child has not
302 attained the child’s twentieth birthday.

303 SECTION 91. Said section 72 of said chapter 119 are hereby further amended by striking
304 out the words “prior to his twentieth birthday, and is not apprehended until between such child’s
305 twentieth and twenty-first birthday, the court shall deal with such child as if he has not attained
306 his twentieth birthday”, in lines 10 to 13, inclusive, and inserting in place thereof the following
307 words:- prior to the child’s twenty-first birthday, and is not apprehended until between such
308 child’s twenty-first and twenty-second birthday, the court shall deal with such child as if he has
309 not attained his twenty-first birthday.

310 SECTION 92. Subsection (b) of said section 72 of said chapter 119 is hereby amended
311 by striking out the word “eighteenth”, in line 18, and inserting in place thereof the following
312 words:- nineteenth.

313 SECTION 93. Said subsection (b) of said section 72 of said chapter 119 is hereby further
314 amended by striking out the word “nineteenth”, in line 18, and inserting in place thereof the
315 following words:- twentieth.

316 SECTION 94. Said subsection (b) of said section 72 of said chapter 119 is hereby further
317 amended by striking out the word “ twentieth”, in line 18, and inserting in place thereof the
318 following words:- twenty-first.

319 SECTION 95. Said section 72 of said chapter 119 is hereby further amended by striking
320 out the word “twenty first”, in line 25, and inserting in place there of the following words:-
321 twenty-third.
322 SECTION 94. Section 72A of said chapter 119 is hereby amended by striking out
323 the words “eighteenth birthday, and is not apprehended until after his nineteenth,” in lines 2 to 3,
324 inclusive, and inserting in place thereof the following words:- nineteenth birthday, and is not
apprehended until after the person’s twentieth.

325 SECTION 96. Said section 72A of said chapter 119 is hereby further amended by striking
326 out the words “nineteenth birthday, and is not apprehended until after his twentieth birthday”, in
327 lines 2 to 3, inclusive, and inserting in place thereof the following words:- twentieth birthday,
328 and is not apprehended until after the person’s twenty-first birthday.

329 SECTION 97. Said section 72A of said chapter 119 is hereby further amended by striking
330 out the words “twentieth birthday, and is not apprehended until after his twenty-first birthday”, in
331 lines 2 to 3, inclusive, and inserting in place thereof the following words:- twenty-first birthday,
332 and is not apprehended until after the person’s twenty-second birthday.

333 SECTION 98. Section 72B of said chapter 119 is hereby amended by striking out the
334 word “eighteenth” in lines 3, 7, 25 and 31, each time it appears, and inserting in place thereof the
335 following word:- nineteenth.

336 SECTION 99. Said section 72B of said chapter 119 is hereby further amended by
337 striking out the word “nineteenth”, in lines 3, 7, 25 and 31, each time it appears, and inserting in
338 place there of the word:- twentieth.

339 SECTION 100. Said section 72B of said chapter 119 is hereby further amended by
340 striking out the word “twentieth”, in lines 3, 7, 25 and 31, each time it appears and inserting in
341 place there of the words:- twenty-first.

342 SECTION 101. Section 74 of said chapter 119, as so appearing, is hereby amended by
343 striking out the word “eighteenth”, in line 3, and inserting in place thereof the following word:-
344 nineteenth.

345 SECTION 102. of Said section 74 of said chapter 119 is hereby further amended by
346 striking out the word “nineteenth”, in line 3, and inserting in place thereof the word:- twentieth.

347 SECTION 103. Said section 74 of said chapter 119 is hereby further amended by striking
348 out the word “twentieth”, in line 3, and inserting in place thereof the words:- twenty-first.

349 SECTION 104. Said section 74 of said chapter 119 is hereby further amended by striking
350 out the figure “18” in lines 10 and 14, each time it appears, and inserting in place thereof the
351 following figure:- 19.

352 SECTION 105. Said section 74 of said chapter 119 is hereby further amended by striking
353 out the figure “19”, in lines 10 and 14, each time it appears, and inserting in place thereof the
354 following figure:- 20.

355 SECTION 106. Said section 74 of said chapter 119 is hereby further amended by striking
356 out the figure “20”, in lines 10 and 14, each time it appears, and inserting in place thereof the
357 following figure:- 21.

358 SECTION 107. Section 84 of said chapter 119, as so appearing, is hereby amended by
359 striking out, in line 12, the word “seven” and inserting in place thereof the following figure:- 12.

360 SECTION 108. Said section 84 of said chapter 119 is hereby amended by striking out the
361 words “eighteen (or nineteen)”, in lines 12 to 13, inclusive, and inserting in place thereof the
362 following words:- 19 (or 20).

363 SECTION 109. Said section 84 of said chapter 119 is hereby further amended by striking
364 out the words “19 (or 20)”, in lines 12 to 13, inclusive, and inserting in place thereof the
365 following words:- 20 (or 21).

366 SECTION 110. Said section 84 of said chapter 119 is hereby further amended by striking
367 out the words “20 (or 21)”, in lines 12 to 13, inclusive, and inserting in place thereof the
368 following words:- 21 (or 22)

369 SECTION 111. Said chapter 119 is hereby further amended by adding the following 2
370 sections:-

371 Section 86. (a) For the purposes of this section and section 87, the following words shall
372 have the following meanings unless the context clearly requires otherwise:

373 “Juvenile”, a person appearing before a division of the juvenile court department who is
374 under the age of 18 in a delinquency, child requiring assistance or care and protection case, or a
375 person under the age of 21 in a youthful offender case.

376 “Restraints”, devices that limit voluntary physical movement of an individual, including
377 leg irons and shackles that have been approved by the trial court department.

378 (b) A juvenile shall not be placed in restraints during court proceedings and any restraints
379 shall be removed prior to the appearance of a juvenile before the court at any stage of any
380 proceeding unless the justice presiding in the courtroom issues an order and makes specific
381 findings on the record that: (i) restraints are necessary because there is reason to believe that a
382 juvenile presents an immediate and credible risk of escape that cannot be curtailed by other
383 means; (ii) a juvenile poses a threat to the juvenile’s own safety or to the safety of others; or (iii)
384 restraints are reasonably necessary to maintain order in the courtroom.

385

386 (d) The court officer charged with custody of a juvenile shall report any security concerns
387 to the presiding justice. On the issue of courtroom or courthouse security, the presiding justice
388 may receive information from the court officer charged with custody of a juvenile, a probation
389 officer or any source determined by the court to be credible.

390 The authority to use restraints shall reside solely within the discretion of the presiding
391 justice at the time that a juvenile appears before the court. A juvenile court justice shall not
392 impose a blanket policy to maintain restraints on all juveniles or a specific category of juveniles
393 who appear before the court.

394 SECTION 112. Chapter 120 of the General Laws, as appearing in the 2014 Official
395 Edition, is hereby amended by inserting after section 10 the following section:-

396 Section 10B. No person under 18 years of age and committed to the department of youth
397 services shall be placed in involuntary room confinement as a consequence for noncompliance,
398 punishment or harassment or in retaliation for any conduct.

399 SECTION 113. Section 15 of chapter 120 of the General Laws, as appearing in the 2014
400 Official Edition, is hereby amended by striking out the figure “18”, in lines 3 and 4, and inserting
401 in place thereof the following figure:- 19.

402 SECTION 114. Said section 15 of said chapter 120 is hereby further amended by striking
403 out the figure “19”, in lines 3 and 4, and inserting in place thereof the following figure:- 20.

404 SECTION 115. Said section 15 of said chapter 120 is hereby further amended by striking
405 out the figure “20”, in lines 3 and 4, and inserting in place thereof the following figure:- 21.

406 SECTION 116. Section 21 of said chapter 120 is hereby amended by striking out the
407 figure “18”, in line 17, and inserting in place thereof the following figure:- 19

408 SECTION 117. Said section 21 of said chapter 120 is hereby further amended by striking
409 out the figure “19”, in line 17, and inserting in place thereof the following figure:- 20.

410 SECTION 118. Said section 21 of said chapter 120 is hereby further amended by striking
411 out the figure “20”, in line 17, and inserting in place thereof the following figure:- 21.

412 SECTION 119. Section 133A of chapter 127 of the General Laws, as so appearing, is
413 hereby amended by adding the following paragraph:-

414 If a prisoner is serving a life sentence for a conviction of murder as defined in section 1
415 of chapter 265 which was committed before the prisoner’s eighteenth birthday, the prisoner shall
416 have the right to have appointed counsel at the parole hearing if the prisoner is deemed to be
417 indigent and shall have the right to funds for experts as determined by the standards in chapter
418 211D.

419 SECTION 120. The last paragraph of said section 133A of said chapter 127, inserted by
420 section 11, is hereby amended by striking out the word “eighteenth” and inserting in place
421 thereof the following word:- nineteenth.

422 SECTION 121. Said last paragraph of said section 133A of said chapter 12 is hereby
423 amended by striking out the word “nineteenth”, inserted by section XX, and inserting in place
424 thereof the following word:- twentieth.

425 SECTION 122. Said last paragraph of said section 133A of said chapter 12 is hereby
426 amended by striking out the word “twentieth”, inserted by section XXX, and inserting in place
427 thereof the following word:- twenty-first.

428 SECTION 123. Said section 133A of said chapter 127 of the General Laws, as so
429 appearing, is hereby further amended by striking out the figure “18”, in line 5, and inserting in
430 place thereof the following figure:- 19.

431 SECTION 124. Said section 133A of said chapter 127 of the General Laws, as so
432 appearing, is hereby further amended by striking out the figure “19”, in line 5, and inserting in
433 place thereof the following figure:- 20.

434 SECTION 125. Said section 133A of said chapter 127 of the General Laws, as so
435 appearing, is hereby further amended by striking out the figure “20”, in line 5, and inserting
436 place thereof the following figure:- 21.

437 SECTION 126. Section 133C of said chapter 127 of the General Laws, as so appearing, is
438 hereby further amended by striking out the figure “19”, in line 7, and inserting in place thereof
439 the following figure:- 19.

440 SECTION 127. Section 133C of said chapter 127 of the General Laws, as so appearing, is
441 hereby further amended by striking out the figure “19”, in line 7, and inserting in place thereof
442 the following figure:- 20.

443 SECTION 128. Section 133C of said chapter 127 of the General Laws, as so appearing, is
444 hereby further amended by striking out the figure “20”, in line 7, and inserting in place thereof
445 the following figure:- 21.

446 SECTION 129. Section 20 of chapter 233 of the General Laws, as so appearing, is hereby
447 amended by striking out the clause Fourth and inserting in place thereof the following clause:-

448 Fourth, Except in a proceeding before an inquest, grand jury, trial of an indictment or
449 complaint or any other criminal, delinquency or youthful offender proceeding where the victim
450 in the proceeding is not a family member and does not reside in the family household, neither the
451 parent nor minor child shall testify against the other; provided, however, that for the purpose of
452 this clause, “parent” shall mean the biological or adoptive parent, stepparent, foster parent, legal
453 guardian or any other person who has the right to act in loco parentis for the child; and provided,
454 further, that in cases where the victim is a family member and resides in the family household,
455 the parent shall not testify as to any communication with the child that was for the purpose of
456 seeking advice regarding the child’s legal rights.

457 SECTION 130. Section 13 of chapter 250 of the General Laws, as appearing in the 2014
458 Official Edition, is hereby amended by striking out the figure “18”, in line 3, and inserting in
459 place thereof the following figure:- 19.

460 SECTION 131. Said section 13 chapter 250 is hereby further amended by striking out
461 the figure “19”, in line 13, and inserting in place thereof the following figure:- 20.

462 SECTION 132. Said section 13 of said chapter 250 is hereby further amended by striking
463 out the figure “20”, in line 3, and inserting in place thereof the figure:- 21.

464 SECTION 133. Section 2 of chapter 258E of the General Laws, as appearing in the 2014
465 Official Edition, is hereby amended by striking out the figure “18”, in line 7, and inserting in
466 place thereof the following figure:- 19.

467 SECTION 134. Said section 2 of said chapter 258E is hereby further amended by
468 striking out the figure “19”, in line 7, and inserting in place thereof the figure:- 20.

469 SECTION 135. Said section 2 of said chapter 258E is hereby further amended by
470 striking out the figure “20”, in line 7, and inserting in place thereof the figure:- 21.

471 SECTION 136. Subsection (b) of section 2 of chapter 265 of the General Laws, as so
472 appearing, is hereby amended by striking out the word “eighteenth”, in line 7, and inserting in
473 place thereof the following word:- nineteenth.

474 SECTION 137. Subsection (b) of section 2 of chapter 265 of the General Laws, as so
475 appearing, is hereby amended by striking out the word “nineteenth”, in line 7, and inserting in
476 place thereof the following word:- twentieth.

477 SECTION 138. Subsection (b) of section 2 of chapter 265 of the General Laws, as so
478 appearing, is hereby amended by striking out the word “twentieth”, in line 7, and inserting in
479 place thereof the following word:- twenty-first.

480 SECTION 139. Section 15A of chapter 265 of the General Laws, as appearing in the
481 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 24 and 46, each
482 time it appears, and inserting in place thereof the following figure:- 19.

483 SECTION 140. Said section 15A of said chapter 265 is hereby further amended by
484 striking out the figure “19”, in lines 24 and 46, each time it appears, and inserting in place
485 thereof the following figure:- 20.

486 SECTION 141. Said section 15A of said chapter 265 is hereby further amended by
487 striking out the figure “20”, in lines 24 and 46, and inserting in place thereof the following
488 figure:- 21.

489 SECTION 142. Section 15B of chapter 265 of the General Laws, as appearing in the
490 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 24, and inserting
491 in place thereof the following figure:-19.

492 SECTION 143. Said section 15B of said chapter 265 is hereby further amended by
493 striking out the figure “19”, in line 24, and inserting in place thereof the following figure:- 20.

494 SECTION 144. Said section 15B of said chapter 265 is hereby further amended by
495 striking out the figure “20”, in line 24, and inserting in place thereof the following figure:- 21.

496 SECTION 145. Section 18 of chapter 265 of the General Laws, as appearing in the 2014
497 Official Edition, is hereby amended by striking out the figure “18”, in line 26, and inserting in
498 place thereof the following figure:- 19.

499 SECTION 146. Said section 18 of said chapter 265 is hereby further amended by striking
500 out the figure “19”, in line 26, and inserting in place thereof the following figure:- 20.

501 SECTION 147. Said section 18 of said chapter 265 is hereby further amended by striking
502 out the figure “20”, in line 26, and inserting in place thereof the following figure:- 21.

503 SECTION 148. Section 18B of chapter 265 of the General Laws, as appearing in the
504 2014 Official Edition, is hereby amended by striking out the figure“18”, in line 43, and inserting
505 in place thereof the following figure:- 19.

506 SECTION 149. Said section 18B of said chapter 265 is hereby further amended by
507 striking out the figure “19”, in line 43, and inserting in place thereof the following figure:- 20.

508 SECTION 150. Said section 18B of said chapter 265 is hereby further amended by
509 striking out the figure “20”, in line 43, and inserting in place thereof the following figure:- 21.

510 SECTION 151. Section 19 of chapter 265 of the General Laws, as appearing in the 2014
511 Official Edition, is hereby amended by striking out the figure “18”, in line 23, and inserting in
512 place thereof the following figure:- 19.

513 SECTION 152. Said section 19 of said chapter 265 is hereby further amended by striking
514 out the figure “19”, in line 23, and inserting in place thereof the following figure:- 20.

515 SECTION 153. Said section 19 of said chapter 265 is hereby further amended by striking
516 out the figure “20”, in line 23, and inserting in place thereof the following figure:- 21.

517 SECTION 154. Section 43 of chapter 265 of the General Laws, as appearing in the 2014
518 Official Edition, is hereby amended by striking out the figure “18”, in lines 56 and 89, each time
519 it appears, and inserting in place thereof the following figure:- 19.

520 SECTION 155. Said section 43 of said chapter 265 is hereby further amended by striking
521 out the figure “19”, in lines 56 and 89, each time it appears, and inserting in place thereof the
522 following figure:- 20.

523 SECTION 156. Said section 43 of said chapter 265 is hereby further amended by striking
524 out the figure “20”, lines 56 and 89, each time it appears and inserting in place thereof the
525 following figure:- 21

526 SECTION 157. Chapter 265 of the General Laws, as so appearing, is hereby amended by
527 striking out section 13B and inserting in place thereof the following section:-

528 Section 13B. Whoever commits an indecent assault and battery on a minor under the age
529 of 14 shall be punished by imprisonment in the state prison for not more than 10 years, or by
530 imprisonment in the house of correction for not more than 2½ years. A prosecution commenced
531 under this section shall neither be continued without a finding nor placed on file. In a prosecution
532 under this section, a minor under the age of 15 years shall be deemed incapable of consenting to
533 any conduct of the defendant for which such defendant is being prosecuted unless: (i) the
534 defendant is no more than 3 years older than the minor; or (ii) the defendant is no more than 2
535 years older than the minor if the minor is under 12 years of age.

536 Notwithstanding section 54 of Chapter 119 or any other general or special law to the
537 contrary, in a prosecution under this section in which the defendant is under 18 years of age at
538 the time of the offense, the commonwealth shall only proceed by complaint in juvenile court or
539 in a juvenile session of a district court.

540 SECTION 158. Said chapter 265, as so appearing, is hereby amended by striking out
541 section 23 and inserting in place thereof the following section:-

542 Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor
543 under 16 years of age and: (i) the defendant is more than 4 years older than the minor; (ii) the
544 minor is under 15 years of age and the defendant is more than 3 years older than the minor; or
545 (iii) the minor is under 12 years of age and the defendant is more than 2 years older than the
546 minor, shall be punished by imprisonment in the state prison for life or for any term of years, or,
547 except as otherwise provided, for any term in a jail or house of correction, provided, however,

548 that a prosecution commenced under this section shall not be placed on file or continued without
549 a finding.

550 Notwithstanding section 54 of Chapter 119 or any other general or special law to the
551 contrary, in a prosecution under this section in which the defendant is under 18 years of age at
552 the time of the offense, the commonwealth shall only proceed by complaint in juvenile court or
553 in a juvenile session of a district court.

554 SECTION 159. Section 10 of chapter 269 of the General Laws, as appearing in the 2014
555 Official Edition, is hereby amended by striking out the figure “18”, in lines 53, 55, 223 and 255,
556 each time it appears, inserting in place thereof the following figure:- 19.

557 SECTION 160. Said section 10 of said chapter 269 is hereby further amended by striking
558 out the figure“19”, in lines 53, 55, 223 and 255, each time it appears, and inserting in place
559 thereof the following figure:- 20.

560 SECTION 161. Said section 10 of said chapter 269 is hereby further amended by striking
561 out the figure “20”, in lines 53, 55, 223 and 255, each time it appears, and inserting in place
562 thereof the following figure:- 21.

563 SECTION 162. Section 10E of chapter 269 of the General Laws, as appearing in the
564 2014 Official Edition, is hereby amended by striking out the figure “18”, in lines 40 and 42, each
565 time it appears, and inserting in place thereof the following figure:- 19.

566 SECTION 163. Said section 10E of said chapter 269 is hereby further amended by
567 striking out the figure “19”, in lines 40 and 42, and inserting in place thereof the following
568 figure:- 20.

569 SECTION 164. Said section 10E of said chapter 269 is hereby further amended by
570 striking out the figure “20”, in lines 40 and 42, and inserting in place thereof the following
571 figure:- 21.

572 SECTION 165. Section 10F of chapter 269 of the General Laws, as appearing in the 2014
573 Official Edition, is hereby amended by striking out the figure “18”, in lines 4, 28 and 32, each
574 time it appears, and inserting in place thereof the following figure:- 19.

575 SECTION 166. Section 10F of chapter 269 of the General Laws, as appearing in the 2014
576 Official Edition, is hereby amended by striking out the figure“17”, in line 50, and inserting in
577 place thereof the following figure:- 19.

578 SECTION 167. Said section 10F of said chapter 269 is hereby further amended by
579 striking out the number “19”, in lines 4, 28, 32 and 50, each time it appears,and inserting in place
580 thereof the following figure:- 20.

581 SECTION 168. Said section 10F of said chapter 269 is hereby further amended by
582 striking out the figure “20”, in lines 4, 28, 32 and 50, each time it appears, and inserting in place
583 thereof the following figure:- 21.

584 SECTION 169. Section 10G of chapter 269 of the General Laws, as appearing in the
585 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 34, and inserting
586 in place thereof the following figure:- 19.

587 SECTION 170. Said section 10G of said chapter 269 is hereby further amended by
588 striking out the figure “19”, in line 34, and inserting in place thereof the following figure:- 20.

589 SECTION 171. Said section 10G of said chapter 269 is hereby further amended by
590 striking out the figure “20”, in line 34, and inserting in place thereof the following figure:- 21.

591 SECTION 172. Section 4 of chapter 272 of the General Laws, as appearing in the 2014
592 Official Edition, is hereby repealed.

593 SECTION 173. Chapter 272 of the General Laws is amended by striking out section 40,
594 as appearing in the 2014 Official Edition, and inserting in place thereof the following section:

595 Section 40. Disturbance of assemblies.

596 Whoever willfully interrupts or disturbs an assembly of people met for a lawful purpose
597 shall be punished by imprisonment for not more than one month or by a fine of not more than
598 fifty dollars; provided, however, that an elementary or secondary school student shall not be
599 charged, adjudicated, or convicted for alleged violation of this provision due to conduct within
600 school buildings or grounds or in the course of school-related events. Whoever, within one year
601 after being twice convicted of a violation of this section, again violates the provisions of this
602 section shall be punished by imprisonment for one month, and the sentence imposing such
603 imprisonment shall not be suspended.

604 SECTION 174. Chapter 272 is hereby further amended by striking out subsection (b) of
605 section 53, as appearing in the 2014 Official Edition, and inserting in place thereof the following
606 subsection:

607 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished
608 by a fine of not more than \$150. On a second or subsequent offense, such person shall be
609 punished by imprisonment in a jail or house of correction for not more than 6 months, or by a

610 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that an
611 elementary or secondary school student shall not be charged, adjudicated, or convicted for
612 alleged violation of this provision due to conduct within school buildings or grounds or in the
613 course of school-related events.

614 SECTION 175. Section 53 of chapter 272 of the General Laws, as so appearing, is hereby
615 amended by inserting after the figure “\$150”, in line 10, the following words:- “; provided,
616 however, that notwithstanding any general or special law to the contrary, no person who violates
617 this subsection shall have a finding of delinquency entered against that person for a first
618 offense,”

619 SECTION 176. Section 87 of chapter 276 of the General Laws, as appearing in the 2014
620 Official Edition, is hereby amended by striking out the figure “18”, in lines 7 and 14, each time it
621 appears, and inserting in place thereof the following figure:- 19.

622 SECTION 177. Said section 87 of said chapter 276 is hereby further amended by striking
623 out the figure “19”, in lines 7 and 14, each time it appears, and inserting in place thereof the
624 following figure:- 20.

625 SECTION 178. Said section 87 of said chapter 276 is hereby further amended by striking
626 out the figure “20”, in lines 7 and 14, each time it appears, and inserting in place thereof the
627 following figure:- 21.

628 SECTION 179. Section 89A of chapter 276 of the General Laws, as appearing in the
629 2014 Official Edition, is hereby amended by striking out the figure “18”, in line 3, and inserting
630 in place thereof the following figure:- 19.

631 SECTION 180. Said section 89A of said chapter 276 is hereby further amended by
632 striking out the figure “19”, in line 3, and inserting in place thereof the following figure:- 20.

633 SECTION 181. Said section 89A of said chapter 276 is hereby further amended by
634 striking out the figure “20”, in line 3, and inserting in place thereof the following figure:- 21.

635 SECTION 182. Chapter 276 of the General Laws, as appearing in the 2014 Official
636 Edition, is hereby amended by striking out section 100B and inserting in place thereof the
637 following section:-

638 Section 100B. (a) Any person having a record of entries of a court appearance in any
639 proceeding pursuant to sections 52 to 62 of chapter 119, inclusive, in the commonwealth on file
640 in the office of the commissioner of probation may, on a form furnished by the commissioner,
641 signed under the penalties of perjury, request that the commissioner seal the file. The
642 commissioner shall comply with such request provided that: (i) any court appearance or
643 disposition including court supervision, probation, commitment or parole, the records for which
644 are to be sealed, terminated not less than 1 year prior to said request; (2) said person has not been
645 adjudicated delinquent or found guilty of any criminal offense within the commonwealth in the 1
646 year preceding such request, except motor vehicle offenses in which the penalty does not exceed
647 a fine of \$550 nor been imprisoned under sentence or committed as a delinquent within the
648 commonwealth within the preceding 1 year; and (iii) said form includes a statement by the
649 petitioner that they have not been adjudicated delinquent or found guilty of any criminal offense
650 in any other state, territory or district of the United States or in a court of federal jurisdiction,
651 except such motor vehicle offenses in which the penalty does not exceed a fine of \$550 and has

652 not been imprisoned under sentence or committed as a delinquent in any state or county within
653 the preceding 1 year.

654 (b) At the time of dismissal of a case, nolle prosequi, non-adjudication or when imposing
655 any sentence, period of commitment or probation or other disposition pursuant to section 58 of
656 chapter 119, the court shall inform all juveniles in writing of their right to seek sealing under this
657 section and that if the case ended in a dismissal, nolle prosequi, or without an adjudication, the
658 court shall order sealing of the record at the time of the disposition unless the person charged
659 with the offense objects. The court shall also notify said juvenile that the record shall be
660 expunged 3 years after the record is sealed unless the person charged with the offense objects.

661 (c) Upon the sealing of records of delinquency and youthful offender appearances and
662 dispositions by the commissioner, the commissioner shall notify the clerks and the probation
663 officers of the courts in which the adjudications or dispositions have occurred, or other entries
664 have been made, the police departments from where the charges originated and the department of
665 youth services of such sealing, and said clerks, probation officers, police departments and the
666 department of youth services shall seal the records of the same proceedings. Sealing of records
667 under this section shall not preclude expungement of police records. The commissioner of
668 probation also shall notify the state police of such sealing and the state police shall notify the
669 Federal Bureau of Investigation of the sealing order and request that the FBI note that the record
670 was sealed in its records if it has a record of the case.

671 Such sealed records of a person shall not operate to disqualify a person in any future
672 examination, appointment or application for public service under the government of the
673 commonwealth or of any political subdivision thereof; nor shall such sealed records be

674 admissible in evidence or used in any way in any court proceedings or hearings before any
675 boards of commissioners, except in imposing sentence for subsequent offenses in juvenile or
676 criminal proceedings.

677 Notwithstanding any other general or special law to the contrary, the commissioner shall
678 report such sealed juvenile record to inquiring police and court agencies only as "sealed juvenile
679 record over 1 year old" and to other authorized persons who may inquire as "no record". The
680 information contained in a sealed juvenile record shall be made available to a judge or probation
681 officer who affirms that such person, whose record has been sealed, has been adjudicated a
682 delinquent or has pleaded guilty or has been found guilty of and is awaiting sentence for a crime
683 committed subsequent to sealing of such record. Said information shall be used only for the
684 purpose of consideration in imposing sentence.

685 SECTION 183. Section 100D of chapter 276 of the General Laws, as appearing in the
686 2014 Official Edition, is hereby amended by striking out the figure "17", in line 8, and inserting
687 in place thereof the following figure:- 19.

688 SECTION 184. Said section 100D of said chapter 276 is hereby further amended by
689 striking out the figure "19", in line 8, and inserting in place thereof the following figure:- 20.

690 SECTION 185. Said section 100D of said chapter 276 is hereby further amended by
691 striking out the figure "20", in line 8, and inserting in place thereof the following figure:- 21.

692 SECTION 186. Said chapter 276 of the General Laws, as so appearing, is hereby further
693 amended by inserting after section 100D the following section:-

694 Section 100E. (a) For the purpose of this section, the words expunge, expunged and
695 expungement shall mean permanent erasure or destruction of information so that the information
696 is no longer maintained in any file or record in an electronic, paper or other physical form.

697 (b) Notwithstanding section 100B or any other general or special law to the contrary, in a
698 form furnished by the commissioner of probation, a person with a record of court appearances
699 and dispositions in any proceeding pursuant to section 52 to 62 of chapter 119, inclusive, shall
700 have the records of such a proceeding expunged upon the filing of a petition to expunge records
701 with the commissioner of probation provided that: (i) for misdemeanor offenses, any juvenile
702 court appearance or disposition including court supervision, probation, commitment or parole,
703 for which the records are to be expunged terminated not less than 3 years prior to said request;
704 for non-misdemeanor offenses, any juvenile court appearance or disposition including court
705 supervision, probation, commitment or parole, for which the records are to be expunged
706 terminated not less than 3 years prior to said request and there is good cause to expunge the
707 record, which shall include a determination of whether there is a foreseeable disadvantage related
708 to employment, housing or access to other opportunities if the records are not expunged; (ii) said
709 person had no juvenile adjudication, was not found guilty of any criminal offense within the
710 commonwealth in the 3 years preceding such request, except motor vehicle offenses in which the
711 penalty does not exceed a fine of \$550 and was not imprisoned under sentence or committed to
712 the Department of Youth Services within the commonwealth within the preceding 3 years; and
713 (iii) said form includes a statement by the petitioner that during the preceding 3 years, the
714 petitioner had no juvenile adjudication, was not found guilty of a criminal offense in any other
715 state, territory or district of the United States or in a court of federal jurisdiction, except such
716 motor vehicle offenses in which the penalty does not exceed a fine of \$550, and was not

717 imprisoned under sentence or committed as a juvenile in any state or county within the preceding
718 3 years.

719 (c) The court shall permit the expungement of a record if a case ended in a dismissal,
720 nolle prosequi or without an adjudication because: (i) the person charged with an offense was
721 misidentified or mistakenly charged with an offense due to an error by law enforcement or court
722 employees, (ii) the person arrested or accused of committing the offense provided a false name;
723 or (iii) fraud was perpetrated on the court related to the offense.

724 (d) The court shall, at the time of imposing any sentence or disposition or, where
725 applicable, period of commitment or probation pursuant to section 58 of chapter 119, inform all
726 eligible individuals of their right to seek expungement under this section

727 (e) For any petition to expunge granted under this section, the clerks and probation
728 officers of the courts in which the proceedings occurred or were initiated shall expunge all the
729 records of the proceedings in their files in their paper, electronic and any other form.

730 (f) Notwithstanding any other general or special law to the contrary, in the case of an
731 expunged record, the commissioner of probation and the clerk of courts in a district court,
732 superior court, juvenile court and the Boston municipal court, shall report that no record exists in
733 response to inquiries.

734 An applicant for employment, housing or an occupational license with an expunged
735 record may answer no record to any inquiry regarding prior arrests, adjudications or other
736 dispositions that were contained in an expunged record.

737 The expunged record shall not operate to disqualify any person in an examination,
738 appointment or application for public employment in the service of the commonwealth or a
739 subdivision thereof and no such appearances or dispositions shall be used against a person in any
740 way in any court proceeding or hearing before a court, board or commission to which that person
741 is a party to the proceeding.

742 Notwithstanding any general or special law to the contrary, upon the expungement of
743 records within the commissioner’s possession, the commissioner shall notify the department of
744 youth services of the expungement and the department shall expunge such records from the
745 department’s files. Any records subject to an expungement order shall be expunged in their
746 paper, electronic and any other physical form. The commissioner of probation shall also notify
747 the State Police of such expungement and the State Police shall notify the Federal Bureau of
748 Investigation of the expungement order and request that the FBI expunge its fingerprint and other
749 records related to the case.

750 SECTION 187. Section 2 of chapter 276A of the General Laws, as appearing in the 2014
751 Official Edition, is hereby amended by striking out the figure “18”, in lines 6 and 10, each time it
752 appears, and inserting in place thereof the following number:- 19.

753 SECTION 188. Said section 2 of said chapter 276A is hereby further amended by striking
754 out the figure “19”, in lines 6 and 10, each time it appears, and inserting in place thereof the
755 following figure:- 20.

756 SECTION 189. Said section 2 of said chapter 276A is hereby further amended by striking
757 out the figure “20”, in lines 6 and 10, each time it appears, and inserting in place thereof the
758 following figure:- 21.

759 SECTION 190. Section 70C of chapter 277 of the General Laws, as appearing in the
760 2014 Official Edition, is hereby amended by striking out, in line 8, the words “, chapter 119”.

761 SECTION 191. Section 6B of chapter 280 of the General Laws, as appearing in the 2014
762 Official Edition, is hereby amended by striking out the figure “18”, in line 3, and inserting in
763 place thereof the following figure:- 19.

764 SECTION 192. Said section 6B of said chapter 280 is hereby further amended by striking
765 out the figure “19”, in line 3, and inserting in place thereof the following figure:- 20

766 SECTION 193. Said section 6B of said chapter 280 is hereby further amended by striking
767 out the figure “20”, in line 3, and inserting in place thereof the following figure:- 21.

768 SECTION 194. There shall be a juvenile justice data task force to make
769 recommendations on coordinating and modernizing the juvenile justice data systems and reports
770 that are developed and maintained by state agencies and the courts. The task force shall consist
771 of the following members or their designees: the chief justice of the trial court; the chief justice
772 of the juvenile court; the secretary of health and human services; the commissioner of probation;
773 the commissioner of youth services; the commissioner of children and families; the
774 commissioner of mental health; the commissioner of transitional assistance; the executive
775 director of Citizens for Juvenile Justice, Inc.; the president of the Massachusetts Society for the
776 Prevention of Cruelty to Children; the executive director of the Children’s League of
777 Massachusetts; the executive director to the Massachusetts District Attorneys Association; the
778 chief counsel of the committee for public counsel services; the Child Advocate; the chair of the
779 juvenile justice advisory committee; a representative of the Massachusetts Chiefs of Police
780 Association; and 2 members to be appointed by the governor, 1 of whom shall have experience

781 or expertise related to the juvenile justice system or the design and implementation of juvenile
782 justice data systems or both and 1 of whom shall be an independent expert in state administrative
783 data systems.

784 The task force shall analyze the capacities and limitations of the data systems and
785 networks used to collect and report state and local juvenile caseload and outcome data. The task
786 force shall conduct at least 1 public hearing. The analysis shall include all of the following:

787 (i) a review of the relevant data systems, studies and models from the commonwealth and
788 other states;

789 (ii) identification of changes or upgrades to current data collection processes to remove
790 inefficiencies, track and monitor state agency and court-involved juveniles and facilitate the
791 coordination of information sharing between relevant agencies and the courts;

792 (iii) identify racial and ethnic disparities apparent within the juvenile justice system and
793 ways to reduce such disparities; and

794 (iv) any other matters which the task force determines may improve the collection of, and
795 interagency coordination of, juvenile justice data.

796 The task force shall file a report on the options for improving interagency coordination,
797 modernization and upgrading of state and local juvenile justice data and information systems.

798 The report shall include, but not be limited to: (i) recommended additional collection and
799 reporting responsibilities for agencies, departments or providers; (ii) recommendations for the
800 creation of a web-based statewide clearinghouse or information center that would make relevant
801 juvenile justice information on operations, caseloads, dispositions and outcomes available in a

802 user-friendly, query-based format for stakeholders and members of the public, including a
803 feasibility assessment of implementing such a system; and (iii) a plan for improving the current
804 juvenile justice reporting requirements, including streamlining and consolidating current
805 requirements without sacrificing meaningful data collection and including a detailed analysis of
806 the information technology and other resources necessary to implement improved data
807 collection. The report shall be filed with the clerks of the house and senate not later than
808 January 1, 2018 and the clerks shall forward the same to the senate and house chairs of the joint
809 committee on the judiciary and the senate and house chairs of the joint committee on children,
810 families and persons with disabilities.

811 SECTION 195. Notwithstanding any general or special law to the contrary, there shall be
812 a rebuttable presumption that youth status is a distinct mitigating factor. When the
813 commonwealth has failed to rebut the presumption by clear and convincing evidence, issues of
814 intent, knowledge, premeditation and purpose or the reasonableness of the defendant's belief that
815 the defendant is in imminent threat of death or serious bodily injury, or the reasonableness of a
816 defendant's perception of the amount of force necessary to combat the perceived threat shall be
817 considered in light of a young adult's diminished capacities.

818 In cases where youth status is a mitigating factor, the court, at the time of sentencing shall
819 apply a modified sentence discount, not to exceed 1/3 of the adult prescribed penalty or provide
820 early release options based on the completion of educational, vocational, substance abuse or
821 other rehabilitative programs.

822 The department of corrections and the houses of correction shall provide workforce
823 development, educational and substance abuse treatment programming for all individuals under

824 the age of 26 at the time of the offense and accelerated good time credits for completion of such
825 programing.

826 Youth status shall be based on the scientific literature on brain maturation, which
827 documents that young adults under age 26 are developmentally more like juveniles than they are
828 like fully mature adults and are therefore less culpable and more adaptable to change.

829 SECTION 196. Notwithstanding any general or special law to the contrary, juvenile
830 records, including, but not limited to, juvenile conviction data, juvenile arrest data, or juvenile
831 sealed record data, shall not be shared with the Registry of Motor Vehicles by the court,
832 probation, district attorney, law enforcement agencies, the department of criminal justice
833 information services or any other agency or entity that lawfully possesses such records.

834 SECTION 197. Sections 1, 4, 7, 13, 16, 19, 22, 26, 29, 33, 37, 40, 41, 42, 43, 44, 45, 46,
835 47, 50, 53, 56, 59, 62, 65, 69, 73, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 108, 113, 116, 120,
836 123, 126, 130, 133, 136, 139, 142, 145, 148, 151, 154, 159, 162, 165, 167, 169, 176, 179, 183,
837 187 and 191 shall take effect on July 1, 2018.

838 SECTION 198. Sections 1, 4, 7, 13, 16, 19, 22, 26, 29, 33, 37, 40, 41, 42, 43, 44, 45, 46,
839 47, 50, 53, 56, 59, 62, 65, 69, 73, 77, 80, 83, 86, 89, 92, 95, 98, 101, 104, 108, 113, 116, 120,
840 123, 126, 130, 133, 136, 139, 142, 145, 148, 151, 154, 159, 162, 165, 167, 169, 176, 179, 183,
841 187 and 191 are hereby repealed.

842 SECTION 199. Section 198 shall take effect on July 1, 2020.

843 SECTION 200. Sections 2, 5, 8, 14, 17, 20, 23, 27, 30, 34, 38, 48, 51, 54, 57, 60, 63, 66,
844 70, 74, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 109, 114, 117, 121, 124, 127, 131, 134, 137, 140,

845 143, 146, 149, 152, 155, 160, 163, 166, 170, 177, 180, 184, 188 and 192 shall take effect on July
846 1, 2020.

847 SECTION 201. Sections 2, 5, 8, 14, 17, 20, 23, 27, 30, 34, 38, 48, 51, 54, 57, 60, 63, 66,
848 70, 74, 78, 81, 84, 87, 90, 93, 96, 99, 102, 105, 109, 114, 117, 121, 124, 127, 131, 134, 137, 140,
849 143, 146, 149, 152, 155, 160, 163, 166, 170, 177, 180, 184, 188 and 192 are hereby repealed.

850 SECTION 202. Section 201 shall take effect on July 1, 2022.

851 SECTION 203. Sections 3, 6, 9, 15, 18, 21, 24, 28, 31, 35, 39, 49, 52, 55, 58, 61, 64, 67,
852 71, , 75, 79, 82, 85, 88, 91, 94, 97, 100, 103, 106, 110, 115, 118, 122, 125, 128, 132, 135, 138,
853 141, 144, 147, 150, 153, 156, 161, 164, 168, 171, 178, 181, 185, 189 and 193 shall take effect on
854 July 1, 2022.