

HOUSE No. 1569

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker Oakley

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 judicial supervision to promote child well-being.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/20/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/23/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/1/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/7/2021</i>

HOUSE No. 1569

By Ms. Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 1569) of Brandy Fluker Oakley and others relative to eligibility for judicial diversion of certain children. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to judicial supervision to promote child well-being.

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. Subsection (g) of section 54A of chapter 119 of the General Laws, as so
2 appearing, is hereby amended by striking it in its entirety and inserting in place thereof the
3 following: -

4 (g) A child otherwise eligible for diversion pursuant to this section shall not be eligible
5 for diversion if the child is indicted as a youthful offender or if the child is charged with a
6 violation of 1 or more of the offenses enumerated in the second sentence of section 70C of
7 chapter 277, other than the offenses in subsection (2)(a) of section 24 of chapter 90, subsection
8 (a) of section 13A, the first paragraph of sections 13B, 13D and 13H, subsection (a) of section
9 13M, subsection (b) of section 15A and subsection (b) of section 15B of chapter 265, sections
10 13A and 13C of chapter 268 and subsection (h)(1) of section 10 and section 12B of chapter 269,
11 or if the defendant is charged with an offense for which a penalty of incarceration greater than 5
12 years may be imposed or for which there is minimum term penalty of incarceration, unless there

13 is concurrent district court jurisdiction for such offense, or which may not be continued without a
14 finding or placed on file, this chapter shall not apply to that defendant. Diversion of juvenile
15 court charges under this chapter shall not preclude a subsequent indictment on the same charges
16 in superior court.