

HOUSE No. 1781

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph W. McGonagle, Jr.

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 the offense of assault and battery upon a transit worker.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/18/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/19/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/19/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/19/2021</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/22/2021</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/22/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/22/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/22/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/22/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/23/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/23/2021</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>2/23/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/23/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/23/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/25/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/25/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/26/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>

<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/26/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/26/2021</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/4/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/10/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/11/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/14/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/15/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>

HOUSE No. 1781

By Mr. McGonagle of Everett, a petition (accompanied by bill, House, No. 1781) of Joseph W. McGonagle, Jr. and others relative to the offense of assault and battery upon transit workers. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the offense of assault and battery upon a transit worker.

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. Chapter 265 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 13D ½ the following section:-

3 Section 13D ¾. (a) For the purposes of this section, “bodily substance” shall mean any
4 human secretion, discharge or emission including, but not limited to, blood, saliva, mucous,
5 semen, urine or feces.

6 (b) Whoever commits an assault and battery upon a public transit worker when such
7 person is engaged in the performance of his duties at the time of such assault and battery shall be
8 punished by imprisonment for not less than 90 days nor more than 2 1/2 years in a house of
9 correction or by a fine of not less than \$500 nor more than \$5,000.

10 An officer authorized to make arrests may arrest any person upon probable cause and
11 without a warrant if the person has committed an offense under this section upon a transit worker
12 when the employee was operating a public transit vehicle and the officer may keep the person in

13 custody during which period the officer shall seek the issuance of a complaint and request a bail
14 determination with all reasonable promptness.

15 Assault and battery upon a public transit worker shall include acts of expectorating or
16 flinging a bodily substance at or onto a transit worker or of throwing or flinging any unspecified
17 fluid at or onto a transit worker while such person is engaged in the performance of their duties.