

HOUSE No. 02858

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 bill:

An Act to authorize fining or arresting individuals aggressively loitering.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

.....
Angelo M. Scaccia

.....
14th Suffolk

.....
Thomas M. Menino

.....
Mayor, City of Boston

HOUSE No. 02858

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2858) of Scaccia relative to authorize the fining or arresting of individuals aggressively loitering Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3778 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to authorize fining or arresting individuals aggressively loitering.

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 272 of the General Laws is hereby amended by inserting the
2 following new section:-

3 Section 53B. Aggressively loitering; penalties

4 Whoever aggressively loiters at the entrance or exit of a retail establishment, blocking that
5 entrance or exit from patrons, after having been forbidden to do so either by notice posted
6 thereon, or by the person who has the lawful control of said premises, or by any police officer,
7 shall be punished by a fine of not more than one hundred dollars and may be arrested without a
8 warrant by such officer and kept in custody in a convenient place, not more than twenty-four

9 hours, Sundays and legal holidays excepted, at or before the expiration of which time he shall be
10 taken before a proper court or magistrate and proceeded against according to law.

11 For the purposes of this Act, “aggressive” shall be defined as (a) Any conduct that is intended to
12 or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a
13 criminal act upon property in that person's immediate possession; or (b) intentionally or
14 recklessly blocking or interfering with the safe or free passage of the persons attempting to enter
15 retail establishments, whether the person is a pedestrian or the operator of a vehicle, including
16 the situation where the person takes evasive action to avoid physical contact with the person
17 loitering; or (c) intentionally touching or making any physical contact with the person entering or
18 exiting the retail establishment without the person's consent.