

**SENATE . . . . . No. 2756**

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**The Commonwealth of Massachusetts**

—  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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SENATE, May 2, 2024.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, Senate, No. 940) of Cynthia Stone Creem, Sal N. DiDomenico and Jack Patrick Lewis for legislation relative to judicial supervision to promote child well-being, report the accompanying bill (Senate, No. S2756).

For the committee,  
James B. Eldridge

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**In the One Hundred and Ninety-Third General Court  
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An Act promoting diversion of juveniles to community supervision and services.

*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 54A of chapter 119 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting, in line 16, after the word “assessment” the  
3 following sentence:-

4           Any referral to the juvenile court for a child requiring assistance as defined in section 21,  
5 in accordance with the provisions of this section and of sections 39F to 39I, inclusive, shall not  
6 disqualify said child from diversion.

7           SECTION 2. Said section 54A of said chapter 119 of the General Law, as so appearing, s  
8 is hereby further amended by inserting, in line 38, after the word “proceedings” the following  
9 words:- , after consultation with legal counsel,

10           SECTION 3. Said section 54A of said chapter 119 of the General Laws, as so appearing,  
11 is hereby further amended by striking out, in lines 45 to 47, the words “and (iv) any statement  
12 made by the child or the child’s family during the course of assessment” and inserting in place  
13 thereof the following language:-

14 (iv) any statement made by the child or the child's family during the course of  
15 assessment; and (v) information obtained during the course of the assessment.

16 SECTION 4. Said section 54A of said chapter 119 of the General Laws, as so appearing,  
17 is hereby further amended by striking out, in line 87, the words "may dismiss the original  
18 complaint pending against the child." and inserting in place thereof the words:- shall dismiss the  
19 original complaint pending against the child unless the report recommends against dismissal.

20 SECTION 5. Said section 54A of said chapter 119 of the General Laws, as so appearing,  
21 is hereby further amended by inserting, in line 101, after the words "any records of the" the  
22 following words:- assessment and the

23 SECTION 6. Said Section 54A of said chapter 119 of the General Laws, as so appearing,  
24 is hereby further amended by striking subsection (g) and inserting in place thereof the following  
25 subsection:-

26 (g) (1) A child otherwise eligible for diversion pursuant to this section shall not be  
27 eligible for diversion:

28 (i) if the child is indicted as a youthful offender;

29 (ii) if the child is charged with an offense that cannot be continued without a finding or  
30 placed on file;

31 (iii) if the child is charged with an offense for which a penalty of incarceration greater  
32 than 5 years may be imposed or for which there is minimum term penalty of incarceration; or

33 (iv) if the child is charged with an offense listed under the second sentence of section 70C  
34 of chapter 277; provided however, that a child shall be eligible for diversion if the child is  
35 charged with an offense under:

36 (A) paragraph (a) of subdivision (2) of section 24 of chapter 90,

37 (B) subsection (a) of section 13A, subsection (a) of section 13M or subsection (b) of  
38 section 15B of chapter 265; or

39 (G) section 13A or section 13C of chapter 268.

40 Diversion of juvenile court charges under this chapter shall not preclude a subsequent  
41 indictment on the same charges in superior court.