

**SENATE . . . . . No. 2987**

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Senate, June 30, 2022 -- Text of the Senate Bill promoting diversion of juveniles to community supervision and services (being the text of Senate, No. 2942, printed as amended)

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The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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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 54A of chapter 119 of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by striking subsection (g) and inserting in place thereof the following  
3 subsection:-

4           (g)(1) A child otherwise eligible for diversion under this section shall not be eligible for  
5 diversion:

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

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

9           (iii) unless there is concurrent district court jurisdiction for such offense, if the child is  
10 charged with an offense for which a penalty of incarceration greater than 5 years may be  
11 imposed or for which there is minimum term penalty of incarceration; or

12 (iv) if the child is charged with an offense listed under the second sentence of section 70C  
13 of chapter 277; provided, however, that a child shall be eligible for diversion if the child is  
14 charged with an offense under: (A) paragraph (a) of subdivision 2 of said section 24 of chapter  
15 90; (B) subsection (a) of section 13A of chapter 265; (C) the first paragraph of section 13D of  
16 said chapter 265; (D) subsection (a) of section 13M of said chapter 265; (E) subsection (b) of  
17 section 15A of said chapter 265; (F) subsection (b) of section 15B of said chapter 265; (G)  
18 section 13A of chapter 268; or (H) section 13C of said chapter 268.

19 (2) Diversion of juvenile court charges under this chapter shall not preclude a subsequent  
20 indictment on the same charges in superior court.