

**SENATE . . . . . No. 00041**

---

The Commonwealth of Massachusetts

PRESENTED BY:

*James B. Eldridge*

*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 promoting restorative justice practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>

# SENATE . . . . . No. 00041

By Mr. Eldridge, petition (accompanied by bill, Senate, No. 41) of Spilka, Eldridge, Atkins and other members of the General Court for legislation to promote restorative justice practices [Joint Committee on Children, Families and Persons with Disabilities].

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Eleven  
\_\_\_\_\_

An Act promoting restorative justice practices.

*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 55B of Chapter 119 of the General Laws is hereby amended in line  
2 13 by inserting after the words “upon compliance with specific terms and conditions” the  
3 following:- , including an established community-based restorative justice program, except that  
4 the court may not order participation in restorative justice process if the offender was adjudicated  
5 for unlawful sexual behavior or a crime in which the underlying factual basis involves domestic  
6 or family violence,

7           SECTION 2. Section 39H of Chapter 119 of the General Laws shall be amended to  
8 include after paragraph 2 the following new paragraph:-

9           The law enforcement officer may refer such child to an established community-based  
10 restorative justice program, except that participation in a restorative justice process shall not be

11 recommended if the offender was arrested for unlawful sexual behavior or a crime in which the  
12 underlying factual basis involves domestic or family violence.

13 SECTION 3. Section 3 of Chapter 276A of the General Laws shall be amended to include  
14 after paragraph 3 the following new paragraph:-

15 Such programs may include an established community-based restorative justice program,  
16 except that the court may not order participation in restorative justice process if the offender was  
17 adjudicated for unlawful sexual behavior or a crime in which the underlying factual basis  
18 involves domestic or family violence.

19 SECTION 4. Section 87A of Chapter 276 of the General Laws, paragraph 1 shall be  
20 amended by inserting after the words “specified rehabilitative programs” the following:-  
21 including an established community-based restorative justice program, except that the court may  
22 not order participation in restorative justice process if the offender was adjudicated for unlawful  
23 sexual behavior or a crime in which the underlying factual basis involves domestic or family  
24 violence,