

**SENATE . . . . . No. 00839**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Anthony W. Petruccelli*

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*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 relative to civil infractions.

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PETITION OF:

NAME:

*Anthony W. Petruccelli*

DISTRICT/ADDRESS:

*First Suffolk and Middlesex*

**SENATE . . . . . No. 00839**

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By Mr. Petruccelli, petition (accompanied by bill, Senate, No. 839) of Petruccelli for legislation relative to civil infractions [Joint Committee on the Judiciary].

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to civil infractions.

*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 23 of chapter 90 of the General Laws, as most recently amended by  
2 section 67 of Chapter 27 of the Acts of 2009, is hereby further amended by inserting after the  
3 words, “not more than \$500”, in the first sentence of the second paragraph the following:- ;  
4 provided further, that notwithstanding any general or special law to the contrary, a finding of  
5 delinquency shall not be entered against any person against whom such a complaint has been  
6 issued

7           SECTION 2. The fourth paragraph of section 34J of said chapter 90 of the General  
8 Laws, as most recently amended by section 70 of chapter 27 of the Acts of 2009, is hereby  
9 further amended by adding at the end thereof the following:-  
10 ; provided further, that notwithstanding any general or special law to the contrary, any person  
11 who violates this section and has not been previously determined responsible for or convicted

12 therefor, or against whom a finding of delinquency or a finding of sufficient facts to support a  
13 conviction has not previously been rendered, shall not have a finding of delinquency entered  
14 against him

15 SECTION 3. Section 52 of chapter 119 of the General Laws, as appearing in the 2008  
16 Official Edition, is hereby amended by striking out the definition of “Delinquent Child” in the  
17 second paragraph and inserting in place thereof the following new definition:-

18 “Delinquent Child”, a child between seven and eighteen who commits any offence  
19 against a law of the commonwealth, provided however, that such offense shall not include a civil  
20 infraction, a violation of any municipal ordinance or town by-law, or a misdemeanor for which  
21 the punishment is a fine, imprisonment in a jail or house of correction for not more than six  
22 months, or both such fine and imprisonment.

23 SECTION 4. Said section 52 of said chapter, as so appearing, is hereby further amended  
24 by inserting at the end thereof the following new definition:-

25 “Civil Infraction”, a violation for which a civil proceeding is allowed, and for which the  
26 court shall not appoint counsel, or sentence any term of incarceration.

27 SECTION 5. Section 53 of chapter 272 of the General Laws, as most recently amended  
28 by section 98 of chapter 27 of the Acts of 2009, is hereby further amended by inserting at the end  
29 thereof the following new clause:-

30 (c) Notwithstanding any general or special law to the contrary, any person who violates clause  
31 (a) or (b) of this section shall not have a finding of delinquency entered against him.

32           SECTION 6. Paragraph 1 of section 70C of chapter 277 of the General Laws, as  
33 appearing in the 2008 Official Edition, is hereby amended by striking out in the second sentence  
34 the words:- “chapter 119,”