

HOUSE No. 1623

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

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 adoption of the accompanying bill:

An Act decriminalizing non-violent and verbal student misconduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Mental Health Legal Advisors Committee</i>	<i>24 School Street, 8th Floor</i> <i>□ Boston, MA 02130</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>

Mary S. Keefe

15th Worcester

Carlos Gonzalez

10th Hampden

Elizabeth A. Malia

11th Suffolk

HOUSE No. 1623

By Mr. Swan of Springfield, a petition (accompanied by bill, House, No. 1623) of Benjamin Swan and others for legislation to decriminalize certain non-violent demonstrations by students. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4132 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act decriminalizing non-violent and verbal student misconduct.

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 amended by striking out section 40, as
2 appearing in the 2010 Official Edition, and inserting in place thereof the following
3 section:

4 Section 40. Disturbance of assemblies.

5 Whoever wilfully interrupts or disturbs an assembly of people met for a lawful purpose
6 shall be punished by imprisonment for not more than one month or by a fine of not more than
7 fifty dollars; provided, however, that K-12 students shall not be charged, adjudicated, or
8 convicted for alleged violation of this provision due to conduct within school buildings or
9 grounds or in the course of school-related events. Whoever, within one year after being twice

10 convicted of a violation of this section, again violates the provisions of this section shall be
11 punished by imprisonment for one month, and the sentence imposing such imprisonment shall
12 not be suspended.

13 SECTION 2. Chapter 272 is hereby further amended by striking out subsection (b) of
14 section 53, as appearing in the 2010 Official Edition, and inserting in place thereof the
15 following

16 subsection:

17 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished
18 by a fine of not more than \$150. On a second or subsequent offense, such person shall be
19 punished by imprisonment in a jail or house of correction for not more than 6 months, or by a
20 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that an
21 elementary or secondary school student shall not be charged, adjudicated, or convicted for
22 alleged violation of this provision due to conduct within school buildings or grounds or in the
23 course of school-related events.