

**HOUSE . . . . . No. 1644**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Benjamin Swan and Cheryl A. Coakley-Rivera*

*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 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> <input type="checkbox"/> <i>Boston, MA 02130</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>

**HOUSE . . . . . No. 1644**

By Representatives Swan of Springfield and Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 1644) of Benjamin Swan and others relative to the punishment of young children who verbally disrupt school settings. The Judiciary.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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 is hereby further amended by striking out section 40, as
- 2 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-
- 3
- 4 Section 40. Whoever wilfully interrupts or disturbs an assembly of people met for a lawful
- 5 purpose shall be punished by a fine of not more than fifty dollars; provided, however, that an
- 6 interruption or disturbance alleged to be created by a student in a school shall not be considered
- 7 willful unless the student has received at least 2 prior written warnings in the current school year
- 8 from the school principal arising from such conduct, and has received assistance in controlling
- 9 such behavior reasonably calculated to cause it to cease. Assistance shall include, but is not
- 10 limited to, a functional behavioral assessment that accounts for the circumstances tending to
- 11 trigger disruptive behavior and that correlates with a behavioral intervention plan prescribing
- 12 appropriate responses to behavior that may de-escalate disruptions. No student whose conduct
- 13 would otherwise be considered willful shall be in violation of this section unless prescribed
- 14 responses are utilized prior to any arrest. Whoever, within one year after being twice convicted
- 15 of a violation of this section, again violates the provisions of this section shall be punished by
- 16 imprisonment for one month, and the sentence imposing such imprisonment shall not be
- 17 suspended.
- 18
- 19 SECTION 2: Chapter 272 is hereby further amended by striking out section 53 subsection (b),
- 20 as appearing in the 2010 Official Edition, and inserting in place thereof the following
- 21 subsection:-
- 22

23  Section 53. (b) Disorderly persons and disturbers of the peace, for the first offense, shall be  
24 punished by a fine of not more than \$150. On a second or subsequent offense, such person shall  
25 be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a  
26 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that a  
27 student shall not be convicted or adjudicated for a violation of this provision based on conduct in  
28 school or at school-related events except under c. 272 § 40.

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