

# SENATE . . . . . No. 2836

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

SENATE, April 19, 2022.

The committee on the Judiciary, to whom was referred the petitions (accompanied by bill, Senate, No. 984) of Cynthia Stone Creem, Jack Patrick Lewis, Mary S. Keefe, Joanne M. Comerford and others for legislation relative to judicial supervision to promote child well-being; and (accompanied by bill, House, No. 1569) of Brandy Fluker Oakley and others relative to eligibility for judicial diversion of certain children, reports the accompanying bill (Senate, No. 2836).

For the committee,  
James B. Eldridge

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act relative to judicial supervision to promote child well-being.

*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) in its entirety and inserting in place thereof  
3 the following subsection:-

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

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

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

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

12           (iv) the child is charged with one of the following offenses:

- 13 (A) section 22F of chapter 90;
- 14 (B) section 24 of chapter 90; provided, however, that a child shall be eligible for
- 15 diversion if the child is charged with paragraph (a) of subsection 2 of section 24 of chapter 90;
- 16 (C) section 24D of chapter 90;
- 17 (D) section 24G of chapter 90;
- 18 (E) section 24L of chapter 90;
- 19 (F) section 24N of chapter 90;
- 20 (G) section 8 of chapter 90B;
- 21 (H) section 8A of chapter 90B;
- 22 (I) section 8B of chapter 90B;
- 23 (J) section 34 of chapter 119;
- 24 (K) section 36 of chapter 119;
- 25 (L) section 39 of chapter 119;
- 26 (M) section 51A of chapter 119;
- 27 (N) section 51E of chapter 119;
- 28 (O) section 51F of chapter 119;
- 29 (P) section 55 of chapter 119;
- 30 (Q) section 63 of chapter 119;

- 31 (R) section 63A of chapter 119;
- 32 (S) an offense contained within chapter 119A;
- 33 (T) an offense contained within chapter 209;
- 34 (U) an offense contained within chapter 209A;
- 35 (V) an offense contained within chapter 265; provided, however, that a child shall be  
36 eligible for diversion if the child is charged with: (i) subsection (a) of section 13A of chapter  
37 265; (ii) paragraph 1 of section 13D of chapter 265; (iii) subsection (a) of section 13M of chapter  
38 265; or (iv) subsection (b) of section 15A of chapter 265;
- 39 (W) section 25 of chapter 266
- 40 (X) section 1 of chapter 268;
- 41 (Y) section 2 of chapter 268;
- 42 (Z) section 3 of chapter 268;
- 43 (AA) section 6 of chapter 268;
- 44 (BB) section 6A of chapter 268;
- 45 (CC) section 6B of chapter 268;
- 46 (DD) section 8B of chapter 268;
- 47 (EE) section 13 of chapter 268;
- 48 (FF) section 13B of chapter 268;

- 49 (GG) section 14 of chapter 268;
- 50 (HH) section 14B of chapter 268;
- 51 (II) section 15 of chapter 268;
- 52 (JJ) section 15A of chapter 268;
- 53 (KK) section 16 of chapter 268;
- 54 (LL) section 17 of chapter 268;
- 55 (MM) section 18 of chapter 268;
- 56 (NN) section 19 of chapter 268;
- 57 (OO) section 20 of chapter 268;
- 58 (PP) section 23 of chapter 268;
- 59 (QQ) section 28 of chapter 268;
- 60 (RR) section 31 of chapter 268;
- 61 (SS) section 36 of chapter 268;
- 62 (TT) an offense contained within chapter 268A;
- 63 (UU) section 10 of chapter 269;
- 64 (VV) section 10A of chapter 269;
- 65 (WW) section 10C of chapter 269;

- 66 (XX) section 10D of chapter 269;
- 67 (YY) section 10E of chapter 269;
- 68 (ZZ) section 11B of chapter 269;
- 69 (AAA) section 11C of chapter 269;
- 70 (BBB) section 11E of chapter 269;
- 71 (CCC) section 12 of chapter 269;
- 72 (DDD) section 12A of chapter 269;
- 73 (EEE) section 12B of chapter 269;
- 74 (FFF) section 12D of chapter 269;
- 75 (GGG) section 12E of chapter 269;
- 76 (HHH) section 1 of chapter 272;
- 77 (III) section 2 of chapter 272;
- 78 (JJJ) section 3 of chapter 272;
- 79 (KKK) section 4 of chapter 272;
- 80 (LLL) section 4A of chapter 272;
- 81 (MMM) section 4B of chapter 272;
- 82 (NNN) section 6 of chapter 272;

83 (OOO) section 7 of chapter 272;

84 (PPP) section 8 of chapter 272;

85 (QQQ) section 12 of chapter 272;

86 (RRR) section 13 of chapter 272;

87 (SSS) section 16 of chapter 272;

88 (TTT) section 28 of chapter 272;

89 (UUU) section 29A of chapter 272; or

90 (VVV) section 29B of chapter 272.

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