

HOUSE No. 1398

By Mr. Fagan of Taunton, petition of James H. Fagan relative to the age for prosecution of juveniles. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE AGE FOR THE PROSECUTION OF JUVENILES.

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. It is the intention of the General Court to amend the
2 General Laws to provide that anyone charged with a criminal viola-
3 tion of a General Law, subsequent to attaining the age of fourteen
4 years, shall be prosecuted as an adult. It is further the intention of the
5 General Court to exempt individuals who have not yet attained the
6 age of twenty-one years from any mandatory sentence imposed for
7 violating a General Law, but to allow the court discretion to sentence
8 said individuals to any fine or any term of years up to and including
9 the maximum incarceration term otherwise allowable for that viola-
10 tion.

1 SECTION 2. Section 52 of chapter 119 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended, in line 5,
3 by striking out the word “seventeen” and inserting the word:— four-
4 teen.

1 SECTION 3. Section 54 of chapter 119, as so appearing, is hereby
2 amended by striking out, in line 2, the word “seventeen” and
3 inserting in place thereof the following word:— fourteen.

1 SECTION 4. Chapter 263 of the General Laws, as so appearing,
2 is hereby amended by adding at the end thereof the following
3 section:—

4 Section 10. All mandatory sentencing provisions for incarceration
5 contained in the General Laws, including but not limited to, sections
6 twenty-three, twenty-four, twenty-four G, and twenty-four L of
7 chapter ninety, sections thirty-two through thirty-two E, inclusive, of
8 chapter ninety-four C, sections fifteen A, fifteen B, seventeen, eigh-
9 teen, eighteen A, and nineteen of chapter two hundred sixty-five,
10 sections twenty-five and twenty-eight of chapter two hundred sixty-
11 six, and section ten of chapter two hundred sixty-nine, shall not
12 apply to any individual who has not yet attained the age of twenty-
13 one years. The court shall have the discretion to sentence those indi-
14 viduals not yet attaining the age of twenty-one years to any fine or
15 any term of years up to and including the maximum incarceration
16 time otherwise allowable for that violation.