

HOUSE No. 1356

The Commonwealth of Massachusetts

PRESENTED BY:
James H. Fagan

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 the age for the prosecution of juveniles .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James H. Fagan	3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1398 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

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:

SECTION 1. It is the intention of the General Court to amend the General Laws to provide that anyone charged with a criminal violation of a General Law, subsequent to attaining the age of fourteen years, shall be prosecuted as an adult. It is further the intention of the General Court to exempt individuals who have not yet attained the age of twenty-one years from any mandatory sentence imposed for violating a General Law, but to allow the court discretion to sentence said individuals to any fine or any term of years up to and including the maximum incarceration term otherwise allowable for that violation.

SECTION 2. Section 52 of chapter 119 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 5, by striking out the word “seventeen” and inserting the word:— fourteen.

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

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

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