

SENATE NO. 1027

AN ACT RELATIVE TO REDUCING SPORTING EVENT RELATED VIOLENCE

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to reduce sporting event related violence, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Whereas, The general court finds that: recent spontaneous gatherings of large
2 numbers of individuals celebrating the victories of professional sports teams have resulted in
3 widespread disorderly conduct, substantial destruction of public and private property by
4 vandalism and fire, and 2 tragic deaths; and Super Bowl XXXVIII, in which the New England
5 Patriots beat the Carolina Panthers in February 2004, such a crowd congregated in and around
6 Kenmore Square and created such mayhem that James D. Grabowski was killed by the driver of
7 a car that was surrounded by an unruly mob of frenzied fans pounding on the car; after Game 7
8 of the American League Championship Series in which the Boston Red Sox beat the New York
9 Yankees in October 2004, another such crowd congregated in and around Kenmore Square and
10 the Boston Police Department, with the lessons learned earlier in the year, sought to reign in the
11 chaos and prevent the perils of a mob's escalation after "revelers" vandalized property, assaulted
12 police officers and set fires; the Boston Police Department deployed less-than-lethal crowd
13 control measures, including pepper spray, to disperse the mob, which led to the tragic death of

14 Victoria Snelgrove; the destructive and fatal results of these spontaneous large-scale gatherings
15 result from a dangerous combination of inhibition-reducing alcohol consumption and the nearly
16 instant spread of the actions and mood of a few revelers, termed "contagion theory" by
17 sociologists, which intensifies the "mob mentality" in which people perceive an anonymity that
18 eradicates the individual's sense of personal responsibility for his actions; the instantaneous
19 transmission and imperiling reaction pursuant to contagion theory highlight the need for the law
20 enforcement community to act swiftly to quell disorderliness, violence and destruction, however
21 minor or mild it may appear to be to the "revelers" because a small act of destruction is
22 transmitted and amplified through the mob with instant and deadly results and; the tragic loss of
23 life demand that personal responsibility and consequential thinking override the violence of a
24 mob and the anonymity perceived therein, and the commonwealth ought to adopt laws of zero-
25 tolerance to reinforce and codify an elevation of community standards.

26 SECTION 2:

27 Chapter 265 of the General Laws is hereby amended by adding the following section:-

28 Section 47. (a) Whoever, being present and is commanded to disperse by any officer authorized
29 to make an arrest or serve process and who is in his official uniform or displaying his badge of
30 office, from an area of an unlawful or unlicensed assembly of more than 50 people during the 2
31 hours preceding the official start of a professional sporting event or the 4 hours following the
32 conclusion of such an event, an who refuses to so disperse shall be punished by imprisonment
33 for not less than 7 days in the house of correction for each violation of this subsection. No
34 sentence imposed under this subsection shall be for less than a mandatory minimum term of
35 imprisonment of 7 days. A fine of not less than \$2,000 may be imposed for each violation of
36 this subsection, but not in lieu of the mandatory minimum 30 days imprisonment.

37 (b) Whoever, commits assault, assault and battery, malicious destruction of public or private
38 property, trespass or larceny or is a disorderly person at an unlawful or unlicensed assembly of
39 more than 50 people during the 2 hours preceding the official start of any professional sporting
40 event or the 4 hours following the conclusion of such an event shall be punished by
41 imprisonment in the house of correction for not less than 30 days for each violation of this
42 subsection. No sentence imposed under this subsection shall be for less than a mandatory
43 minimum term of imprisonment of 30 days. A fine of not less than \$2,000 may be imposed for
44 each violation of this subsection, but not in lieu of the mandatory minimum 30 days
45 imprisonment.