

By Mr. Moore of Uxbridge, petition of Richard T. Moore relative to the trial of juveniles as adults in certain court proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT RELATIVE TO THE TRIAL OF CERTAIN JUVENILES AS ADULTS IN CERTAIN COURT PROCEEDINGS.

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 sixty-one of chapter one hundred nineteen of the
2 General Laws as appearing in the 1984 Official Edition is hereby
3 further amended by striking out the first paragraph thereof and
4 inserting in place thereof the following paragraph: —

5 If it is alleged in a complaint made under sections fifty-two to
6 sixty-three, inclusive, that a child (a) who had previously been
7 committed to the Department of Youth Services as a delinquent
8 child has committed an offense against a law of the Common-
9 wealth which, if he were an adult, would be punishable by
10 imprisonment in the state prison, or (b) committed an offense
11 involving the infliction or threat of serious bodily harm, and in
12 either case if such alleged offense was committed while the child
13 was between his fourteenth and seventeenth birthdays, and if the
14 court enters a written finding, the court may, after a transfer
15 hearing held in accordance with such rules of court as shall be
16 adopted for such purpose, dismiss the complaint. If it is alleged
17 in such complaint that such child has committed an offense against
18 a law of the commonwealth which, if he were an adult, would be
19 punishable by imprisonment in the state prison for a term of
20 twenty years or for a term greater than twenty years, the child
21 must demonstrate by a preponderance of the evidence at such
22 transfer hearing that he or she is amenable to rehabilitation as

23 a juvenile. If it is alleged in such complaint that such child has
24 committed any other offense, the Commonwealth must
25 demonstrate by a preponderance of the evidence that the child
26 presents a danger to the public as demonstrated by the nature of
27 the offense charged and the child's past record of delinquent
28 behavior, if any, and is not amenable to rehabilitation as a
29 juvenile.