

By Mr. Fitzgerald of Boston, petition of Althea Garrison, Kevin W. Fitzgerald, Robert A. DeLeo, Shirley Owens-Hicks and Frank G. Cousins, Jr. relative to the penalty for loitering for the purpose of providing for illegal sales and distribution of drugs. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO ESTABLISH A LOITERING LAW UNDER CHAPTER 272.

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 controlling street crime is essential to
2 the stability of neighborhoods and is vital to promote tranquility
3 and safety for its citizens.

1 SECTION 2. A loiterer shall mean a person or persons who
2 congregate or wander about on public or private property in an
3 unusual manner, with the intent of committing an act.

1 SECTION 3. Whoever congregates upon a public sidewalk or
2 street in pairs or two or more, with the purpose of committing an
3 act of loitering to sell or distribute drugs shall be charged in addi-
4 tion to selling and distributing drugs, as a loiterer against the
5 public interest, and shall be punished severely.

1 SECTION 4. Whoever congregates upon a private residential
2 property in pairs of two or more, without the consent of the
3 owner, shall be charged as a loiterer, if said person refuses to
4 remove themselves from said private property, and shall be fined
5 fifty dollars for the first offense, and imprisoned for the second
6 offense in the House of Corrections for not less than four nor
7 more than twelve months.

1 SECTION 5. Whoever congregates upon a public sidewalk or
2 public street in pairs of two or more with the intent to commit an
3 act of intimidation or harassment of another citizen who uses

4 public access to those sidewalks or streets, shall be fined fifty dol-
5 lars for the first offense, and imprisoned in the House of
6 Corrections for the second offense, for not less than four nor more
7 than twelve months.

1 SECTION 6. Whoever congregates on private property in pairs
2 of two or more with the intent of committing an act of intimidat-
3 tion, harassment, or harm to another citizen, who owns said prop-
4 erty, shall be fined five hundred dollars for the first offense, and
5 imprisoned for the second offense for not less than eighteen
6 months and no more than thirty-six months.

1 SECTION 7. Whoever congregates at a public or private
2 building to deface, mar, or mark, shall be charged as a loiterer and
3 shall be fined fifty dollars for the first offense, and imprisoned for
4 the second offense in the House of Corrections for not less than
5 four nor more than twelve months.