

By Mr. Honan of Boston, petition of Thomas M. Menino and Kevin G. Honan for legislation to further regulate the issuance of entertainment licenses. Government Regulations.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT ESTABLISHING LEGISLATION TO FURTHER REGULATE THE
ISSUANCE OF ENTERTAINMENT LICENSES.

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. Section 181 of Chapter 140 of the General Laws,
2 as appearing in the 1996 Official Edition, is hereby amended by
3 inserting in subparagraph (b) of the second paragraph after the
4 words "of disruptive" the following words:— or criminal.

1 SECTION 2. Said Section 181 is hereby further amended by
2 inserting in paragraph 5 after the words "notice to the licensee,
3 that" the following words:— a violation has occurred, or that.

1 SECTION 3. Section 181 is hereby further amended by
2 inserting at the end of paragraph 5 the following:— For the pur-
3 poses of this section, a violation may be found by the licensing
4 authority for occurrences involving, but not limited to, assault,
5 battery or both, drug possession by any person inside the licensed
6 premises, drug use by any person inside the licensed premises,
7 possession of a weapon or other dangerous object by any person
8 inside the premises, use of a weapon or dangerous object inside
9 the premises or by any patron in the immediate vicinity of the
10 premises, serving alcohol to a minor, admission, of a minor to a
11 licensed premises, admitting persons in excess of legal capacity,
12 failure to maintain an accurate count of persons inside the
13 licensed premises, blocked fire exits, blocked means of egress, or
14 any other behavior and/or occurrence resulting in an adverse

15 effect on the public health, safety or order. A warning, probation
16 or suspension may be imposed upon a finding by the licensing
17 authority that a violation has occurred and that the activities con-
18 stituting the violation can be adequately addressed with remedial
19 action and no longer pose a risk to the public health, safety or
20 order. A revocation may be imposed upon a finding by the
21 licensing authority that a violation has occurred and that the activ-
22 ities constituting the violation can be adequately addressed with
23 remedial action and no longer pose a risk to the public health,
24 safety or order. A revocation may be imposed upon a finding by
25 the licensing authority that a violation has occurred and that the
26 activities constituting the violation cannot be adequately
27 addressed by the licensee with remedial action to prevent risk to
28 the public health, safety or order. When imposing a warning, sus-
29 pension or revocation, the licensing authority shall consider the
30 nature and the seriousness of the violation, and the prior record, if
31 any, of violations of the licensee. A warning, probation, or suspen-
32 sion of up to seven days may be imposed for the first violation. A
33 warning, probation, suspension or revocation may be imposed for
34 each subsequent violation. No entertainment license may be sus-
35 pended for a period of longer than seven days or revoked, unless
36 the licensee has been found to have committed two or more viola-
37 tions within a period of three years.

1 SECTION 4. Section 183A of said chapter, as appearing in the
2 1996 Official Edition, is hereby amended by inserting after the
3 first sentence in paragraph 8 the following:— For the purposes of
4 this section, a violation may be found by the licensing authority
5 for occurrences involving, but not limited to, assault, battery or
6 both, drug possession by any person inside the licensed premises,
7 drug use by any person inside the licensed premises, possession of
8 a weapon or other dangerous object by any person inside the
9 premises, use of a weapon or dangerous object inside the premises
10 or by any patron in the immediate vicinity of the premises, serving
11 alcohol to a minor, admission of a minor to a licensed premises,
12 admitting persons in excess of legal capacity, failure to maintain
13 an accurate count of persons inside the licensed premises, blocked
14 fire exits, blocked means of egress, or any other behavior and/or
15 occurrence resulting in an adverse effect on the public health,

16 safety or order. A warning, probation or suspension may be
17 imposed upon a finding by the licensing authority that a violation
18 has occurred and that the activities constituting the violation can
19 be adequately addressed with remedial action and no longer pose
20 a risk to the public health, safety or order. A revocation may be
21 imposed upon a finding by the licensing authority that a violation
22 has occurred and that the activities constituting the violation
23 cannot be adequately addressed by the licensee with remedial
24 action to prevent risk to the public health, safety or order. When
25 imposing a warning, suspension or revocation, the licensing
26 authority shall consider the nature and the seriousness of the vio-
27 lation, and the prior record, if any, of violations of the licensee. A
28 warning, probation, or suspension of up to seven days may be
29 imposed for the first violation. A warning, probation, suspension
30 or revocation may be imposed for each subsequent violation. No
31 entertainment license may be suspended for a period of longer
32 than seven days or revoked, unless the licensee has been found to
33 have committed two or more violations within a period of three
34 years.

1 SECTION 5. Said Section 183A is hereby amended by
2 inserting in paragraph 8 after the words "health, safety or order as
3 stated" the following words:— above and.

