



Legislation Summary:

An Act promoting diversion of juveniles to community supervision and services.

Initial Bill Numbers: [S.940](#) and [H.1495](#)

Sponsors: Senator Cynthia Stone Creem and Representative Brandy Fluker Oakley

What the bill does, why LWVMA supports it, and the League position relative to this bill:

This bill expands the types of juvenile offenses that are eligible for judicial pre-arraignment diversion. It would give judges the discretion to decide if both the youth and public safety would be better served through alternatives to the juvenile justice system. This bill would allow an individualized hearing after which a judge may accept or reject diversion.

In 2018 the legislature passed a law allowing judges to divert young people to alternative community-based programs before arraignment. Despite the progress that has been made, there are still too many cases that proceed through arraignment, even though diversion would not compromise public safety. If a child is not diverted before arraignment, a juvenile record is created, and that record can create long-lasting barriers to obtaining housing, finding employment and pursuing an education.

The types of cases this bill makes eligible include:

- Protesting near a court;
- Disruption of court proceedings;
- Driving under the influence;
- Assault of a police officer, a charge often tacked on to others for youth of color;
- Domestic assault and battery; and
- Assault and battery with a dangerous weapon.

Although the last offense sounds extremely serious, it often does not result in injury, and the “dangerous weapons” involved are sometimes silly. Items designated as dangerous weapons in Massachusetts cases have included lotion, a cell phone, eggs, sneakers, a slurpy, a backpack, a soda can, a snowball, food, a water balloon, a plastic water bottle, and fire extinguisher foam sprayed on another child’s boots.

It is important to remember that this law simply allows judges to exercise discretion in certain cases. It does not guarantee diversion for the listed offenses.

League Positions

LWVMA has taken policy positions that support this bill. LWVMA has long supported:

- more sentencing alternatives (1974)
- the use of adequately funded and supervised alternative punishments for: offenders who commit nonviolent crimes, first offenders, non habitual offenders, offenders who commit minor crimes, offenders where mitigating circumstances exist (1985)
- legislation that provides for alternative sanctions for people convicted of nonviolent crimes.