HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Eugene L. O'Flaherty**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General  
 Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to exempt certain criminal misdemeanors from the hearing provisions of G.L.c.218, sec. 35A.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Eugene L. O'Flaherty | 2nd Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1670 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act to exempt certain criminal misdemeanors from the hearing provisions of G.L.c.218, sec. 35A.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 35A of chapter 218 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

This section shall not apply to (1) substitute complaints that are issued to correct a misstatement or omission of form in an earlier complaint; or (2) complaints for violations of section 82A of chapter 276; or (3) complaints that are issued after the accused was offered an opportunity to be heard pursuant to a civil citation procedure authorized by statute in which the accused was charged with the same conduct as a civil infraction.