

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 authorize fining or arresting individuals aggressively loitering.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	14th Suffolk
Thomas M. Menino	Mayor, City of Boston

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO AUTHORIZE FINING OR ARRESTING INDIVIDUALS AGGRESSIVELY LOITERING.

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

1 Chapter 272 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended
2 by inserting the following new section:-

3

4 Section 53B. Aggressively loitering; penalties

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6 Whoever aggressively loiters at the entrance or exit of a retail establishment, blocking that
7 entrance or exit from patrons, after having been forbidden to do so either by notice posted
8 thereon, or by the person who has the lawful control of said premises, or by any police officer,
9 shall be punished by a fine of not more than one hundred dollars and may be arrested without a
10 warrant by such officer and kept in custody in a convenient place, not more than twenty-four
11 hours, Sundays and legal holidays excepted, at or before the expiration of which time he shall be
12 taken before a proper court or magistrate and proceeded against according to law.

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14 For the purposes of this Act, "aggressive" shall be defined as (a) Any conduct that is intended to or
15 is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act
16 upon property in that person's immediate possession; or (b) intentionally or recklessly blocking or
17 interfering with the safe or free passage of the persons attempting to enter retail establishments,
18 whether the person is a pedestrian or the operator of a vehicle, including the situation where the person

19 takes evasive action to avoid physical contact with the person loitering; or (c) intentionally touching or
20 making any physical contact with the person entering or exiting the retail establishment without the
21 person's consent.

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