

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tolman, Steven (SEN)

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 relative to reducing sporting event related violence.

PETITION OF:

NAME:

Tolman, Steven (SEN)

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01027 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO REDUCING SPORTING EVENT RELATED VIOLENCE.

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

1 *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith
2 to reduce sporting event related violence, therefore it is hereby declared to be an emergency law,
3 necessary for the immediate preservation of the public convenience.

4 SECTION 1. Whereas, The general court finds that: recent spontaneous gatherings of large numbers of
5 individuals celebrating the victories of professional sports teams have resulted in widespread disorderly
6 conduct, substantial destruction of public and private property by vandalism and fire, and 2 tragic
7 deaths; and Super Bowl XXXVIII, in which the New England Patriots beat the Carolina Panthers in
8 February 2004, such a crowd congregated in and around Kenmore Square and created such mayhem
9 that James D. Grabowski was killed by the driver of a car that was surrounded by an unruly mob of
10 frenzied fans pounding on the car; after Game 7 of the American League Championship Series in which
11 the Boston Red Sox beat the New York Yankees in October 2004, another such crowd congregated in
12 and around Kenmore Square and the Boston Police Department, with the lessons learned earlier in the
13 year, sought to reign in the chaos and prevent the perils of a mob's escalation after "revelers"

14 vandalized property, assaulted police officers and set fires; the Boston Police Department deployed less-
15 than-lethal crowd control measures, including pepper spray, to disperse the mob, which led to the tragic
16 death of Victoria Snelgrove; the destructive and fatal results of these spontaneous large-scale gatherings
17 result from a dangerous combination of inhibition-reducing alcohol consumption and the nearly instant
18 spread of the actions and mood of a few revelers, termed "contagion theory" by sociologists, which
19 intensifies the "mob mentality" in which people perceive an anonymity that eradicates the individual's
20 sense of personal responsibility for his actions; the instantaneous transmission and imperiling reaction
21 pursuant to contagion theory highlight the need for the law enforcement community to act swiftly to
22 quell disorderliness, violence and destruction, however minor or mild it may appear to be to the
23 "revelers" because a small act of destruction is transmitted and amplified through the mob with instant
24 and deadly results and; the tragic loss of life demand that personal responsibility and consequential
25 thinking override the violence of a mob and the anonymity perceived therein, and the commonwealth
26 ought to adopt laws of zero-tolerance to reinforce and codify an elevation of community standards.

27 SECTION 2:

28 Chapter 265 of the General Laws is hereby amended by adding the following section:-

29 Section 47. (a) Whoever, being present and is commanded to disperse by any officer authorized to
30 make an arrest or serve process and who is in his official uniform or displaying his badge of office, from
31 an area of an unlawful or unlicensed assembly of more than 50 people during the 2 hours preceding the
32 official start of a professional sporting event or the 4 hours following the conclusion of such an event, an
33 who refuses to so disperse shall be punished by imprisonment for not less than 7 days in the house of
34 correction for each violation of this subsection. No sentence imposed under this subsection shall be for
35 less than a mandatory minimum term of imprisonment of 7 days. A fine of not less than \$2,000 may be

36 imposed for each violation of this subsection, but not in lieu of the mandatory minimum 30 days
37 imprisonment.

38 (b) Whoever, commits assault, assault and battery, malicious destruction of public or private property,
39 trespass or larceny or is a disorderly person at an unlawful or unlicensed assembly of more than 50
40 people during the 2 hours preceding the official start of any professional sporting event or the 4 hours
41 following the conclusion of such an event shall be punished by imprisonment in the house of correction
42 for not less than 30 days for each violation of this subsection. No sentence imposed under this
43 subsection shall be for less than a mandatory minimum term of imprisonment of 30 days. A fine of not
44 less than \$2,000 may be imposed for each violation of this subsection, but not in lieu of the mandatory
45 minimum 30 days imprisonment.