

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Knapik

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 prohibiting sex offenders from operating school buses and ice cream trucks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Brown	Norfolk, Bristol and Middlesex
Mr. Hedlund	Plymouth and Norfolk
Mr. Knapik	Second Hampden and Hampshire
Mr. Tarr	First Essex and Middlesex
Mr. Tisei	Middlesex and Essex
Todd M. Smola	1st Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00939 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**AN ACT PROHIBITING SEX OFFENDERS FROM OPERATING SCHOOL BUSES AND ICE
CREAM TRUCKS.**

*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 8A of chapter 90 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out, in lines 23 to 24, “has been convicted of the
3 crime of rape, unnatural act, sodomy, or ” and inserting in place thereof the following words:- is
4 a sex offender, as defined in section 178C of chapter 6, or who had been convicted of

5 SECTION 2. Section 8A1/2 of said chapter 90, as so appearing, is hereby amended by
6 striking out, in lines 20 to 21, “has been convicted of the crime of rape, unnatural act, sodomy, or
7 ” and inserting in place thereof the following words:- is a sex offender, as defined in section
8 178C of chapter 6, or who had been convicted of

9 SECTION 3. Chapter 265 of the General Laws is hereby amended by adding the
10 following section:-

11 Section 45. A sex offender, as defined by section 178C of chapter 6, who engages in ice cream
12 truck vending, as defined in section 25 of chapter 270, shall be punished by up to 2 ½ years in
13 the house of correction or by a fine of \$1,000 or by both such fine and imprisonment. A police
14 officer or officer authorized to serve criminal process may arrest without a warrant any person
15 who he has probable cause to believe has violated this section.

16 SECTION 4. Chapter 270 of the General Laws is hereby amended by adding the following
17 section:-

18 Section 25. (a) For the purposes of this section, the following words shall have the following
19 meanings:-

20 “Ice cream”, any frozen dairy or water-based food product.

21 “Ice cream truck”, any motor vehicle used for selling, displaying or offering to sell ice cream or
22 any other frozen dairy or frozen water-based food product.

23 “Ice cream truck vending”, the selling, displaying or offering to sell ice cream, water-based food
24 product or any other prepackaged food product from an ice cream truck

25 “Permitting authority”, the chief of police or the board or officer having control of the police in a
26 city or town or person authorized by them.

27 (b) No person shall engage in ice cream truck vending unless issued a valid permit to do so by
28 the permitting authority within the municipality wherein the permit applicant lives or intends to
29 operate such ice cream truck. Such permit shall be conspicuously displayed and clearly visible
30 on the windshield of such truck. Whoever violates this section shall be assessed a fine of \$500.

31 Each day that such person is in operation in violation of this section may be considered a
32 separate violation.

33 SECTION 5. The department of public safety shall adopt regulations relative to the annual
34 permitting of ice cream truck vendors. Such regulations shall include, but not be limited to:

35 (1) a requirement that all applications for such permit or applications for a renewal of such a
36 permit include a current photo of the applicant and the applicant's fingerprints;

37 (2) adoption of a uniform permit application and permit form, to be used by all municipalities;

38 (3) requiring that all permitting authorities, as defined by section 25 of chapter 270, conduct an
39 investigation into the criminal history of a permit applicant to determine eligibility for a permit;

40 (4) restricting any permitting authority, as defined by section 25 of chapter 270, from issuing an
41 ice cream truck vending permit to any sex offender, as defined by section 178C of chapter 6 of
42 the General Laws; and

43 (5) Establishing an appeal process for any persons denied such permit.

44 SECTION 6. The department of public safety shall adopt the regulations required under section 3
45 not later than 90 days from the effective date of this act.

46 SECTION 7. Section 2 shall take effect 180 days from the effective date of this act.

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