

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.**



**THURSDAY, FEBRUARY 1, 2024**

[11]

JOURNAL OF THE SENATE

Thursday, February 1, 2024.

Met at five minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Oliver Ames High School women's cross-country team. The team was recognized for their hard work and dedication throughout the season and for winning the MIAA Division 1 State Championship Title. They were led by Head Coach Kyle Sousa, Coach Allison Cleary, Coach Troy Kent, Coach Helen van Riel, Athletic Director Merry MacDonald and Principal Kelly Cavanaugh. The Senate applauded their accomplishments and they withdrew from the Chamber.

Oliver Ames High School women's cross-country team.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Senator Cindy F. Friedman of Fourth Middlesex (Chair), Senator Paul R. Feeney of Bristol and Norfolk and Senator Jason M. Lewis of Fifth Middlesex to the Special Committee on Initiative Petitions (received February 1, 2024);

Special Committee on Initiative Petitions,-- appointments. SD2991 Id. SD2990

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Senator Ryan C. Fattman of Worcester and Hampden to the Special Committee on Initiative Petitions (received February 1, 2024); and

Communication from the Office of Essex District Attorney (pursuant to Section 32(e) of Chapter 12 of the General Laws) submitting its calendar year 2024 Community Based Juvenile Justice Programs report (received January 30, 2024).

Essex DA,-- juvenile justice programs report. SD2981

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Office of Travel and Tourism (under the provisions of Section 13T(e) of Chapter 23A of the General Laws) submitting the fiscal year 2023 report on state expenditures made by the Massachusetts marketing partnership and regional tourism councils to promote tourism (received January 29, 2024);

Office of Travel and Tourism,-- tourism expenditures. SD2975

Report of the Executive Office of Economic Development (under the provisions of Section 17 of Chapter 23D of the General Laws) submitting the 2023 Annual Report of the Center for Employee Ownership (received January 29, 2024);

EED,-- employee ownership report. SD2976

Report of the Massachusetts Growth Capital Corporation (under the provisions item 7002-0040 of Section 2 of Chapter 28 of the Acts of 2023) submitting the FY24 Small Business Technical Assistance Grant Program Report (received January 29, 2024);

MGCC,-- small business report. SD2977

Report of the Gas System Enhancement Plan Working Group (pursuant to Section 68

GSEP Working Group report.

**UNCORRECTED PROOF.**

of Chapter 179 of the Acts of 2022, as amended by Section 164 of Chapter 177 of the Acts of 2023) submitting its final report and recommendations (received January 31, 2024);

SD2984

Report of the Executive Office of Public Safety and Security (pursuant to Section 2(c) of Chapter 35 of the Acts of 2021) submitting its Sexual Assault Evidence Collection Kit (SAECK) quarterly report (received January 29, 2024);

EOPSS,-- SAECK quarterly report.  
SD2986

Report of the Department of Correction (under the provisions of item 8900-1100 of Section 2 of Chapter 126 of the Acts of 2022) submitting a report on one-year recidivism rates of men released for the years 2013-2020 (received January 12, 2024);

DOC,-- one-year recidivism rates.  
SD2987

Report of the Department of Correction (under the provisions of Section 2(b) of Chapter 64 of the Acts of 2023) submitting its report on the status of any communication services contracts and plans to consolidate contracts to maximize purchasing power for voice communication services (received January 16, 2024);

DOC,-- no cost calls report.  
SD2988

Report of the Norfolk District Attorney (under the provisions of Section 32(e) of Chapter 12 of the General Laws) submitting its 2023 Community Based Juvenile Justice Program report (received February 1, 2024); and

Norfolk DA,-- Juvenile Justice report.  
SD2989

Report of the University of Massachusetts Board of Trustees (pursuant to Section 3 of Chapter 75 of the General Laws) submitting its rules and regulations adopted and/or amended by the Trustees of the University of Massachusetts in 2023 (copies having been forwarded as required to the Governor, the Secretary of Administration and Finance, and the House and Senate Chairs of the committees on Ways and Means) (received January 19, 2024).

UMass Board of Trustees,-- rules and regulations.  
SD2992

*Petitions.*

Petitions were severally presented and referred as follows:

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 2580) of Barry R. Finegold (by vote of the town) for legislation relative to the residency requirement for the town manager of the town of Andover [Local approval received]; and

Andover,-- manager residency requirement.

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 2581) of Barry R. Finegold (by vote of the town) for legislation to authorize the town of Andover to convert a certain parcel of land from school purposes to general municipal purposes [Local approval received]; and

Andover,-- land conveyance.

**Severally under Senate Rule 20, to the committee on Municipalities and Regional Government.**

**Severally sent to the House for concurrence.**

By Ms. Moran, a petition (accompanied by bill) (subject to Joint Rule 12) of Susan L. Moran for legislation relative to fusion investment and research for sustainable technology; and

FIRST Act.  
SD2985

By Mr. Payano, a petition (accompanied by bill) (subject to Joint Rule 12) of Pavel M. Payano for legislation to increase the penalties for violating speed limits in school zones;

School zones,-- speed limits.  
SD2980

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Reports of Committees.*

By Mr. Cyr, for the committee on Public Health, on petition, a Bill regarding the pediatric palliative care program (Senate, No. 1359);

Palliative care,-- pediatrics.

**Referred, under Joint Rule 1E, to the committee on Health Care Financing.**

By Ms. Comerford, for the committee on Agriculture, on Senate, No. 40 and House,

Hemp products.

Nos. 90 and 93, a Bill promoting the growing and use of hemp and hemp products (Senate, No. 2579);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Cyr, for the committee on Public Health, on petition, a Bill relative to the department of public health state public health laboratory campus (Senate, No. 1351);

DPH Laboratory campus.

By Mr. Collins, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to Rosa Parks Day (Senate, No. 1992);

Rosa Parks Day.

**Severally read and, under Senate Rule 26, referred to the committee on Rules.**

PAPERS FROM THE HOUSE.

Notice was received from the House of Representatives announcing the following appointment by the Speaker:

Representatives Peisch of Wellesley, Day of Stoneham and Gordon of Bedford have been appointed to serve as his designees (under House Order, 4294) on the special joint committee established for the purpose of considering the initiative petitions transmitted to the Clerk of the House of Representatives by the Secretary of the Commonwealth in accordance with the requirements of Article XLVIII of the Amendments to the Constitution.

Initiative petitions special committee,-- appointment.

Notice was received from the House of Representatives announcing the following appointments by the Minority Leader:

Representative Viera of Falmouth has been appointed to serve as his designee (under House Order, 4294) on the special joint committee established for the purpose of considering the initiative petitions transmitted to the Clerk of the House of Representatives by the Secretary of the Commonwealth in accordance with the requirements of Article XLVIII of the Amendments to the Constitution; and

Id.

Representative McKenna of Webster has been appointed to serve as his designee on the Rare Disease Advisory Council (under Section 241 of Chapter 111 of the Acts of the General Laws) replacing Representative Hannah Kane.

Rare Disease Advisory Council appointment.

The following initiative petitions, having been transmitted by the Secretary of the Commonwealth to the Clerk of the House of Representatives as required by Article XLVIII of the Amendments to the Constitution, and having been received in the Office of the Clerk of the House on Tuesday, January 16, 2024, were referred, in concurrence, as follows:

Initiative petition of Diana DiZoglio and others for the passage of “An Act expressly authorizing the Auditor to audit the Legislature” (House, No. 4251);

Legislature,-- audit.

Initiative petition of Deborah Therese McCarthy and others for the passage of “An Act requiring that districts certify that students have mastered the skills, competencies and knowledge of the state standards as a replacement for the MCAS graduation requirement” (House, No. 4252);

MCAS,-- graduation requirement.

Initiative petition of Roxana Lorena Rivera and others for the passage of “An Act giving transportation network drivers the option to form a union and bargain collectively” (House, No. 4253);

TNC drivers,-- union.

Initiative petition of Irene S. Li and others for the passage of “An Act to require the full minimum wage for tipped workers with tips on top” (House, No. 4254);

Tipped workers,-- minimum wage.

Initiative petition of Sarko Gergerian and others for the passage of “An Act relative to the regulation and taxation of natural psychedelic substances” (House, No. 4255);

Psychedelic substances,-- tax.

Initiative petition of Charles Dewey Ellison, III and others for the passage of “An Act defining and regulating the relationship between network companies and app-based drivers for purposes of the General and Special Laws” (House, No. 4256);

TNC’s,-- app based drivers.

Initiative petition of Charles Dewey Ellison, III and others for the passage of “An Act establishing that app-based drivers are not employees, and network companies are not employers, for certain purposes of the General Laws” (House, No. 4257);

Id.

Initiative petition of Charles Dewey Ellison, III and others for the passage of “An Act defining and regulating the relationship between network companies and app-based drivers for certain purposes of the General Laws” (House, No. 4258);

Id.

Initiative petition of Charles Dewey Ellison, III and others for the passage of “An Act establishing that app-based drivers are not employees, and network companies are not employers, for certain purposes of the General Laws” (House, No. 4259); and

Id.

Initiative petition of Charles Dewey Ellison, III and others for the passage of “An Act Establishing that App-Based Drivers Are Not Employees, and Network Companies Are Not Employers, for Certain Purposes of the General Laws” (House, No. 4260);

Id.

**Severally to the Special Joint Committee on Initiative Petitions.**

A Bill designating the Childs river overpass route 28 Falmouth for Marine Combat Veteran Kevin P. Quinn (House, No. 4044,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Falmouth,-- Childs River Overpass.

**Bills**

Relative to the charter of the town of Rockland (House, No. 4036,-- on petition) [Local approval received];

Rockland,-- charter.

Authorizing the conservation commission of the town of Westford to transfer certain easements to the select board of the town of Westford (House, No. 4140,-- on petition) [Local approval received];

Westford,-- land.

Providing for alternate members of the Mattapoisett conservation commission (House, No. 4156,-- on petition) [Local approval received];

Mattapoisett,-- conservation commission. Mattapoisett,-- finance committee.

Providing for an alternate member of the town of Mattapoisett finance committee (House, No. 4159,-- on petition) [Local approval received]; and

Westford,-- liquor license.

Authorizing the town of Westford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4188,-- on House, No. 3839) [Local approval received on House, No. 3839];

**Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. DiDomenico) “congratulating Bunker Hill Community College on its 50th anniversary.”

Bunker Hill Community College.

*Report of Committees.*

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Patrick M. O’Connor for legislation to establish statewide food truck regulations.

Food trucks regulations. SD2954

**The rules were suspended on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4295) of Paul J. Donato relative to health insurance reimbursements for services provided by advanced practice registered nurses;

**Under suspension of Joint Rule 12, to the committee on Financial Services.**

Petition (accompanied by bill, House, No. 4296) of Marcus S. Vaughn relative to food truck licensure;

**Under suspension of Joint Rule 12, to the committee on Public Health.**

Petition (accompanied by bill, House, No. 4297) of David Henry Argosky LeBoeuf for legislation to establish a sick leave bank for Danielle M. Alachoyan, an employee of the Department of Correction;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

A Bill establishing a sick leave bank for Sheri Panas, an employee of the department of unemployment assistance (House, No. 4249,-- on petition),-- was read.

**There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.**

A Bill establishing a sick leave bank for Jonathan Corey, an employee of the Suffolk county sheriff's department (House, No. 4250,-- on petition),-- was read.

**There being no objection, the rules were suspended, on motion of Mr. Velis, and the bill was read a second time and ordered to a third reading.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

Directing the city of Boston police department to waive the maximum age requirement for police officers for Wendy Pierre-Louis (House, No. 3732); and

Authorizing the town of Chesterfield to continue the employment of reserve special officer Greg Smith (House, No. 4195);

**Were severally read a second time and ordered to a third reading.**

The House Bill further regulating at-large town meeting members in the town of Milford (House, No. 2089) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the town of Norwell to establish a means tested senior citizen property tax exemption (Senate, No. 1921),-- **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill increasing the membership of the select board in the town of Sterling (House, No. 3727) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Somerville to appoint an alternate member to the licensing commission (House, No. 4205),-- **was read a third time and passed to be engrossed, in concurrence.**

APRN,-- service reimbursement.

Food truck,-- licensure.

Danielle M. Alachoyan,-- sick leave.

Sheri Panas,-- sick leave.

Jonathan Corey,-- sick leave.

Second reading bills.

Milford,-- town meetings.

Norwell,-- property tax.

Sterling,-- select board.

Somerville,-- licensing commission.

*Recess.*

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and at twenty-nine minutes before one o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

PAPER FROM THE HOUSE.

A Bill modernizing firearm laws (House, No. 4139,-- on House, No. 4090, in part),-- was read.

Firearms,-- safety.

Pursuant to an order previously adopted, the bill was read a second time.

After debate, Mr. Tarr made a motion to refer the pending House Bill modernizing firearm laws (House, No. 4139) to the joint committee on Public Safety and Homeland Security.

The question on adoption of the motion was determined by a call of the yeas and nays at a quarter before one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 – nays 31) [**Yeas and Nays No. 109**]:

**YEAS.**

Brady, Michael D.  
Durant, Peter J.  
Fattman, Ryan C.  
Mark, Paul W.  
Montigny, Mark C.

O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F. – **9**.

**NAYS.**

Barrett, Michael J.  
Brownsberger, William N.  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
Edwards, Lydia  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.

Keenan, John F.  
Kennedy, Edward J.  
Kennedy, Robyn K.  
Lewis, Jason M.  
Lovely, Joan B.  
Miranda, Liz  
Moore, Michael O.  
Moran, Susan L.  
Oliveira, Jacob R.  
Payano, Pavel M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Velis, John C. – **31**.

The yeas and nays having been completed at seven minutes before one o'clock P.M., the motion was *negatived*.

*Moment of Silence.*

At the request of the Chair (Mr. Oliveira), the members, guests and staff stood in a moment of silence and reflection in memory of Lena Santos Oliveira.

Moment of silence.

PAPER FROM THE HOUSE.

The House Bill modernizing firearm laws (House, No. 4139,-- on House, No. 4090, in part),-- was further considered, the main question being on ordering the bill to a third reading.

2

After remarks, and pending the question on adoption of the amendment previously recommended by Senator Creem, striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2572 entitled “An Act to sensibly address firearm violence through effective reform”, and pending the main question on ordering the bill to a third reading, Messrs. Moore, Brady, Gomez and Tarr moved that the proposed new text be amended by inserting after section 37 the following sections:-

“SECTION XX. Section 10A of chapter 269 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word ‘firearm,’ in line 11 the following words:- ‘, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating any such instrument, attachment, weapon or appliance, and any part intended only for use in such assembly or fabrication.’.

SECTION YY. Said section 10A of said chapter 269, as so appearing, is hereby further amended by striking out, in line 16, the words ‘or appliance’ and inserting in place thereof the following words:- ‘, appliance or parts’.”

After remarks, the amendment was adopted.

3

Messrs. Moore, O’Connor, Brady, Tarr and Gomez moved that the proposed new text be amended by inserting after section 37 the following section:-

“SECTION 37A. There shall be a commission to study the benefits and feasibility of adding live-fire training to the requirements for a basic firearms safety certificate under section 131P of chapter 140 of the General Laws. The commission shall consist of: the secretary of public safety and security or a designee, who shall serve as chair; the colonel of the state police or a designee; the attorney general or a designee; 1 member appointed by the Massachusetts Chiefs of Police Association Incorporated; 1 member appointed by the Gun Owners’ Action League, Inc.; 1 member appointed by the Massachusetts Coalition to Prevent Gun Violence, Inc.; and 3 members appointed by the governor, 2 of whom shall be certified firearms safety instructors and 1 of whom shall represent a sportsman’s association.

The commission shall study and make recommendations regarding the benefits and feasibility of adding live-fire training to the requirements for a basic firearms safety certificate. The study shall include: (i) the cost of such training to applicants, instructors and the commonwealth; (ii) the availability of resources necessary to implement the training, including the geographic distribution of ranges and instructors and the capacity of ranges and instructors; (iii) recommendations on the types of firearms, rifles or shotguns that should be included in live-fire training; (iv) academic research regarding the effectiveness of live-fire training in promoting safety and reducing firearms accidents; and (v) any other information related to certified firearms safety instructors or the basic firearms safety certificate and deemed relevant to the study.

The commission shall submit the study and recommendations, including any legislative recommendations, to the clerks of the house of representatives and the senate and the joint committee on public safety and homeland security not later than August 1, 2025.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes before two o’clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 110]:**

**YEAS.**

Barrett, Michael J.

Kennedy, Edward J.



Brady, Michael D.  
Brownsberger, William N.  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
Durant, Peter J.  
Edwards, Lydia  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.  
Keenan, John F.

Kennedy, Robyn K.  
Lewis, Jason M.  
Lovely, Joan B.  
Mark, Paul W.  
Miranda, Liz  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Oliveira, Jacob R.  
Pacheco, Marc R.  
Payano, Pavel M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 39.

**NAYS – 0.**

The yeas and nays having been completed at three minutes before two o'clock P.M., the amendment was adopted.

Messrs. Moore and O'Connor moved that the proposed new text be amended by striking out, in section 35, the words “; and (iv) an investigation of the cost and impacts associated with requiring the use of personalized firearm or microstamp technologies in the commonwealth” and inserting in place thereof the following words:- “; (iv) an investigation of the cost and impacts associated with requiring the use of personalized firearm or microstamp technologies in the commonwealth; and (v) the creation and operation of a ballistics and forensics gun laboratory in the Worcester police real time crime center, for the use and benefit of regional law enforcement.”

5

The amendment was adopted.

Mr. Collins moved that the proposed new text be amended by adding the following section:-

8

“SECTION XX. There is hereby established on the books of the Commonwealth a separate fund known as the Large Cities Gun Violence Prevention Trust Fund. Said trust fund shall consist of monies paid to the Commonwealth through all fines imposed for all criminal and civil violations pursuant to Chapters 140 and 269, and licensing fees imposed pursuant to chapter 140. The funds shall be spent on social, educational, and public health programs designed to prevent and diminish gun violence in cities with populations over 50,000 people. The Secretary of the Executive Office of Public Safety and Security shall be the trustee of the fund.

The Secretary shall report annually, on or before December 31, 2024, to the house and senate committees on ways and means, the house and senate chairs of the joint committee on public safety and homeland security, and the house and senate chairs of the joint committee on public health on the revenue and expenditure activity within the trust fund.”

After remarks, the amendment was *rejected*.

*Recess.*

There being no objection, at two o'clock P.M., the Chair (Mr. Brownsberger) declared

Recess.

a recess subject to the call of the Chair; and at seven minutes past four o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

PAPER FROM THE HOUSE.

The House Bill modernizing firearm laws (House, No. 4139,-- on House, No. 4090, in part),-- was further considered, the main question being on ordering the bill to a third reading.

Firearms,-- safety.

Messrs. O'Connor, Tarr, Fattman, Durant, Pacheco and Timilty moved that the proposed new text be amended by inserting the text of Senate document numbered 2583, relative to Making Massachusetts Safer.

63

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past five o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 6 – nays 33) [Yeas and Nays No. 111]:

YEAS.

Durant, Peter J.  
Fattman, Ryan C.  
O'Connor, Patrick M.

Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F. – 6.

NAYS.

Barrett, Michael J.  
Brady, Michael D.  
Brownsberger, William N.  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
Edwards, Lydia  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.

Keenan, John F.  
Kennedy, Edward J.  
Kennedy, Robyn K.  
Lewis, Jason M.  
Lovely, Joan B.  
Mark, Paul W.  
Miranda, Liz  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
Oliveira, Jacob R.  
Payano, Pavel M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Velis, John C. – 33.

The yeas and nays having been completed at ten minutes past five o'clock P.M., the amendment was *rejected*.

Ms. Moran and Mr. Gomez moved that the proposed new text be amended by adding the following section:-

16

“SECTION XX. To the best of their ability, a health care provider shall ask the following screening questions to a patient during the course of any health care visit:

- (a) Is the patient aware of any firearms within their place of residence?
- (b) Has the patient felt a desire to harm themselves, or others within the last year?”

The amendment was *rejected*.

Ms. Moran, Ms. Rausch and Mr. Payano moved that the proposed new text be amended by inserting after section 19 the following 2 sections:-

17

“SECTION 19A. Subsection (l) of said section 131 of said chapter 140 , as so appearing, is hereby amended by inserting after the sixth sentence the following sentence:- ‘The department of criminal justice information services shall send electronically or by

first class mail to the licensing authority of each such license to carry firearms a notice of the expiration of such license not less than 5 days after the expiration including the expiration date of the license and the name and address of the licensee.’

SECTION 19B. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘expiration’, in line 353, the following words:- ‘to the licensee’.”

After remarks, the amendment was adopted.

Ms. Moran and Messrs. Tarr and Pacheco moved that the proposed new text be amended by striking out section 25 and inserting in place thereof the following section:-

18

“SECTION 25. Section 131X of said chapter 140, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following 2 subsections:-

(d) Notwithstanding any general or special law, rule or regulation to the contrary, any health care provider or mandated reporter, as defined by section 21 of chapter 119, duly authorized as a petitioner, upon filing an application or renewal for an extreme risk protection order, may disclose protected health information of the respondent only to the extent necessary for the full investigation and disposition of such application or renewal for an extreme risk protection order. When disclosing protected health information, a health care provider or mandated reporter shall make reasonable efforts to limit protected health information to the extent necessary to accomplish the filing of the application or renewal.

Upon receipt of a petition by any health care provider or mandated reporter and for good cause shown, the court may issue orders as may be necessary to obtain any clinical records or any other records or documents relating to diagnosis, prognosis or treatment of the respondent as are necessary for the full investigation and disposition of an application for an extreme risk protection order under this section. All such records and other health information provided shall be sealed by the court.

The decision of any health care provider or mandated reporter to disclose or not to disclose clinical records or other records or documents relating to the diagnosis, prognosis or treatment of a patient pursuant to this subsection, when made reasonably and in good faith, shall not be the basis for any civil or criminal liability with respect to such health care provider; provided, however, that any health care provider or mandated reporter duly authorized as a petitioner shall not be subject to civil or criminal liability for failure to petition the court for the issuance or renewal of an extreme risk protection order.

(e) The supreme judicial court and the appeals court shall have concurrent jurisdiction to review any proceedings, determinations, orders or judgments entered in the court pursuant to section 131S or section 131T. The supreme judicial court or the appeals court, subject to section 13 of chapter 211A, may by rule vary the procedure authorized or required for such review upon a finding that the review by the court will thereby be made more simple, speedy and effective.”

The amendment was *rejected*.

Messrs. Moore, Timilty and Brady moved that the proposed new text be amended by adding, at the end of section 3, the following words:- “Without limiting the generality of the foregoing, the following weapons are not copies or duplicates of enumerated weapons under this definition: any .17 or .22 caliber rimfire rifle; any Ruger Mini 14 or substantially similar model weapon; Beretta Cx4 Storm; FN PS90 or substantially similar model weapon; IWI Tavor or substantially similar model weapon; Kel-Tec Sub-2000; Kel-Tec RFB; and Springfield Armory M1A or substantially similar model weapon.”

20

The amendment was *rejected*.

Ms. Comerford, Messrs. Moore, Payano and Timilty, Ms. Moran and Mr. Pacheco moved that the proposed new text be amended by inserting after section 14 the following section:-

25

“SECTION 14A. Section 122 of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:-

‘Any person refused a license under this section may within 10 days thereafter appeal to the division of the district court in which the licensing authority for such license is located and the court may direct that said licensing authority grant such license if, after a hearing, the court is satisfied there were no reasonable grounds for the refusal to grant such license and that the applicant was not barred by the provisions of law from holding such a license.’”

After remarks, the amendment was adopted.

Ms. Miranda, Ms. Edwards and Messrs. Brady, O’Connor, Payano, Tarr, Moore, Timilty, Collins and Pacheco moved that the proposed new text be amended in section 34, by striking out, in line 672, the words “and (ii)” and inserting in place thereof the following words:- “(ii) study the feasibility of a statewide grant for municipal boards of health, health departments and health commissions for the development and operation of a public health and safety approach to preventing targeted violence through structured collaboration that brings together local law enforcement, housing providers, human services providers, youth providers, educators, residents, community-based organizations, coalitions and other stakeholders to address housing, health care, substance use and mental health issues as they relate to violence prevention and intervention; and (iii)”.

27

After remarks, the amendment was adopted.

Ms. Rausch, Ms. Edwards and Mr. Payano moved that the proposed new text be amended in section 14 by inserting after the word “a”, in line 317, the first time it appears, the following word:- “rebuttable”;

33

In said section 14, by striking out, in lines 319 to 324, inclusive, the words “if the printer or machine is marketed or sold in a manner that: (i) advertises that it may be used to manufacture or assemble firearms, rifles, shotguns or completed or unfinished frame or receivers; or (ii) foreseeably promotes the printer or machine’s use in manufacturing or assembling such weapons, regardless of whether the printer or machine is otherwise described or classified as having other functions or as a general-purpose printer or machine” and inserting in place thereof the following words:- “if: (i) the printer or machine is marketed or sold in a manner that: (A) advertises that it may be used to manufacture or assemble firearms, rifles, shotguns or completed or unfinished frames or receivers; (B) foreseeably promotes the printer’s or machine’s use in manufacturing or assembling assemble firearms, rifles, shotguns or completed or unfinished frames or receivers, regardless of whether the printer or machine is otherwise described or classified as having other functions or as a general-purpose printer or machine; or (C) includes a digital firearm manufacturing code, as defined in section 121D; or (ii) the person who possesses, purchases or receives the 3-dimensional printer or computer numerical control milling machine also possesses, purchases or receives a digital firearm manufacturing code, as defined in said section 121D”;

In said section 14, by striking out, in line 336, the words “or assemble”;

In said section 14, by striking out, in line 337, the words “or shotgun” and inserting in place thereof the following words:- “, shotgun or completed or unfinished frame or receiver”;

In said section 14, by inserting after the word “firearm”, in line 338, the following words:- “, rifle, shotgun or completed or unfinished frame or receiver”;

In said section 14, by inserting after the word “firearm”, in line 340, the following words:- “, rifle, shotgun, or completed or unfinished frame or receiver”;

In said section 14, by inserting after the word “firearm”, in line 342, the following words:- “, rifle, shotgun or completed or unfinished frame or receiver”; and

In said section 14, by striking out, in line 355, the words “or shotgun” and inserting in place thereof the following words:- “, shotgun or completed or unfinished frame or receiver”.

After remarks, the amendment was adopted.

Mr. Cyr, Ms. Edwards, Mr. Gomez, Ms. Rausch, Messrs. Payano, Moore and Timilty, Ms. Moran and Mr. Pacheco moved that the proposed new text be amended by inserting the following section:-

40

“SECTION X. The department of state police shall enter into an interagency agreement with the department of public health for the purpose of sharing of gun data received by the department of state police pursuant to chapter 140 section 131Q. The department of public health may enter into data sharing agreements with researchers for the purpose of advancing gun violence prevention in the commonwealth.”;

In Section 34, line 656, by inserting in subsection (b) after the words “the secretary of health and human services or a designee;” the words:- “the commissioner of the department of public health or a designee.”;

In Section 37, subsection (a), by striking out the following:- “9” and inserting in place thereof:- “11”; and

In said subsection inserting after the words “trauma-informed care” the following:- “1 of whom represents a suicide prevention program in the commonwealth and 1 of whom represents a sexual and domestic violence program in the commonwealth.”

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended by striking, in line 179, the following words:- “within the preceding 6 months”.

41

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by striking after the word “provided”, in line 178, the following words:- “health care”.

43

The amendment was adopted.

Messrs. Keenan, O’Connor and Brady moved that the proposed new text be amended by striking, in line 616, the word “the”, the second time it appears, and inserting in place thereof the following word:- “each”.

45

The amendment was adopted.

Messrs. Keenan, O’Connor, Moore, Timilty, Brady and Tarr moved that the proposed new text be amended by inserting after section \_\_ the following section:-

48

“SECTION \_\_. Notwithstanding any general or special law to the contrary, an excise shall not be imposed upon the following items designed to enhance firearm safety: (1) firearm safes; (2) firearm lock boxes; and (3) trigger and barrel locks.”

The amendment was *rejected*.

Mr. Keenan, Ms. Edwards and Messrs. Moore, O’Connor, Brady, Timilty, Tarr and Montigny moved that the proposed new text be amended in section 1, by inserting after the word “crimes”, in line 10, the following words:- “and attempted or completed suicides by firearms”;

50

In said section 1, by inserting after the word “crimes”, in line 19, the following words:- “and attempted or completed suicides”;

In said section 1, by inserting after the word “crimes”, in line 21, the following words:- “and attempted or completed suicides”;

In said section 1, by inserting after the word “crimes”, in line 22, the following words:- “and attempted or completed suicides”;

In said section 1, by inserting after the word “crime”, in line 23, the following words:- “or attempted or completed suicide”; and

In said section 1, by inserting after the word “crime”, in line 25, the following words:- “or attempted or completed suicide”.

After remarks, the amendment was adopted.

Messrs. Feeney, O'Connor, Brady, Moore, Timilty and Tarr moved that the proposed new text be amended in section 1, by inserting after the word "firearms", in line 16, the first time it appears, the following words:- " , and, if reasonably ascertainable, such firearms' means of entry into the commonwealth, including, but not limited to, by state or federal highway, port of entry or any other means". 53

The amendment was adopted.

Messrs. O'Connor, Moore and Pacheco moved that the proposed new text be amended by adding the following sections:- 57

"SECTION X. Pursuant to section 2A of Chapter 4 of the Massachusetts General Laws there is hereby established a special commission to investigate and study the prevalence of ghost gun mills.

SECTION X. The commission shall: (1) create a specific definition for "ghost gun mills"; (2) work with state and local law enforcement agencies to identify any ghost gun mills found to have operated within the Commonwealth; (3) assess innovative ghost gun mill detection and prevention strategies for law enforcement ; and (4) recommend to the legislature any statutory changes that would improve the Commonwealth's and municipalities' ability to prosecute proprietors and customers of ghost gun mills.

SECTION X. The commission shall consist of 9 members; 2 of whom shall be members from the legislature, 1 of whom shall be a member of the house of representatives, who shall serve as co-chair, and 1 of whom shall be a member of the senate, who shall serve as co-chair; 2 of whom shall be representatives of the Massachusetts District Attorneys Association; 1 of whom shall be a member of the attorney general's office, appointed by the attorney general; 1 of whom shall be appointed by the Massachusetts Chiefs of Police and 2 of whom shall be appointed by the Massachusetts State Police.

The members of the commission shall be appointed not later than 90 days after the effective date of this act and shall serve until the completion of the report.

SECTION X. The commission shall report to the general court the results of its study together with recommendations and drafts of legislation by filing the same with the clerks of the senate and the house of representatives on or before December 31, 2024."

The amendment was *rejected*.

Ms. Edwards and Ms. Moran moved that the proposed new text be amended in section 14, by inserting after the word "internet" in line 365, the following words:- "and artificial intelligence technology or generative artificial intelligence tools." 65

The amendment was *rejected*.

Ms. Edwards and Ms. Moran moved that the proposed new text be amended in subsection (d) of section 14, by inserting after clause (x) in line 302, the following clause:- "(xi) the possession or importation of a firearm, rifle, shotgun or any completed or unfinished frame or receiver by a current resident of the commonwealth who, within six months of the passage of this law, causes the firearm, rifle, shotgun or completed or unfinished frame or receiver to be imprinted with a valid serial number, removes the weapon from the commonwealth, engages in a gun buy-back program, or otherwise comes into compliance with this section; and"; and in said section 14, striking out the clause number (xi) in line 303 and inserting in place thereof:- "(xii)". 66

The amendment was *rejected*.

Ms. Edwards, Messrs. Payano and Brady and Ms. Moran moved that the proposed new text be amended in section 4, by striking out the words "not more than" in line 127, and inserting in place thereof the following words:- "at least"; and in said section 4, by inserting after the word "issuance" in line 127, the following words:- " , or for at least ten years where the respondent demonstrates an extreme threat to life." 67

The amendment was *rejected*.

70

Ms. Edwards and Mr. O'Connor moved that the proposed new text be amended in section 33, by striking out the word "more" in line 649, and inserting in place thereof the following word:- "less"; and in said section inserting after the number "\$10,000" the words:- "and by the suspension and surrender of a license to carry firearms or a firearm identification card which the respondent may hold for no less than ten years."; and in said section 33, striking out the words "or both such imprisonment and fine" in line 649, and inserting in place thereof the following words:- "or by such imprisonment, fine, and such suspension".

The amendment was *rejected*.

73

Ms. Friedman, Ms. Rausch, Messrs. Moore, Timilty and Brady and Ms. Moran moved that the proposed new text be amended in section 18 by striking out, in lines 458-460, the words "physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness and that in the physician's or psychologist's" and inserting in place thereof the following words:- "physician, advanced practice registered nurse or clinical psychologist attesting that such physician, advanced practice registered nurse or psychologist is familiar with the applicant's mental illness and that in the physician's, advanced practice registered nurse's or psychologist's"; and

In section 19 but striking out, in lines 485-486, the words "physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness and that in the physician's or psychologist's" and inserting in place thereof the following words:- "physician, advanced practice registered nurse or clinical psychologist attesting that such physician, advanced practice registered nurse or psychologist is familiar with the applicant's mental illness and that in the physician's, advanced practice registered nurse's or psychologist's".

The amendment was adopted.

74

Messrs. Gomez, Pacheco, Moore, Timilty, Brady, Mark, Collins, Tarr and Fattman moved that the proposed new text be amended in section 16, in proposed paragraph (3) of subsection (d) of section 128D of chapter 140 of the General Laws, by adding the following sentence:- "It shall not be a violation of this section for a firearm industry member to design, advertise, market, import or sell at wholesale or retail a firearm industry product in a manner that recommends or encourages persons under the age of 18 to participate lawfully in hunting or shooting sports."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at sixteen minutes before six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 37 – nays 2) [**Yeas and Nays No. 112**]:

**YEAS.**

- |                          |                      |
|--------------------------|----------------------|
| Barrett, Michael J.      | Kennedy, Edward J.   |
| Brady, Michael D.        | Kennedy, Robyn K.    |
| Brownsberger, William N. | Lewis, Jason M.      |
| Collins, Nick            | Lovely, Joan B.      |
| Comerford, Joanne M.     | Mark, Paul W.        |
| Creem, Cynthia Stone     | Miranda, Liz         |
| Crighton, Brendan P.     | Moore, Michael O.    |
| Cronin, John J.          | Moran, Susan L.      |
| Cyr, Julian              | O'Connor, Patrick M. |
| DiDomenico, Sal N.       | Oliveira, Jacob R.   |
| Durant, Peter J.         | Pacheco, Marc R.     |
| Edwards, Lydia           | Payano, Pavel M.     |
| Eldridge, James B.       | Rausch, Rebecca L.   |

Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.

Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 37.

**NAYS.**

Keenan, John F.

Montigny, Mark C. – 2.

The yeas and nays having been completed at eleven minutes before six o'clock P.M., the amendment was adopted.

Ms. Kennedy, Mr. Keenan, Ms. Edwards, Messrs. Gomez and Oliveira, Ms. Rausch and Messrs. Payano, Brady, Montigny and Mark moved that the proposed new text be amended by inserting after section 16 the following section:-

75

“SECTION 16A. The first paragraph of section 129B of said chapter 140, as so appearing, is hereby amended by striking out clauses (x) and (xi) and inserting in place thereof the following 3 clauses:-

- (x) is a fugitive from justice;
- (xi) having been a citizen of the United States, has renounced that citizenship; or
- (xii) is registered in the voluntary do-not-sell firearms list established in section 131Z.”;

By inserting after section 18A the following section:-

“SECTION 18A. Section 131 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 136 and 137, the words ‘or (x)’ and inserting in place thereof the following words:- ‘(x) is registered in the voluntary do-not-sell firearms list established in section 131Z; or (xi)’.”; and

By inserting after section 25 the following section:-

“SECTION 25A. Chapter 140 of the General Laws is hereby amended by inserting after section 131Y the following section:-

Section 131Z. (a) The department of criminal justice information services shall establish a registry to be known as the voluntary do-not-sell firearms list. Any person who voluntarily registers their name to the list shall be prohibited from the purchase, rental, lease, borrowing, possession and carrying of firearms. The department shall maintain and update the list, which shall be accessible only to licensing authorities as defined in section 121 and the colonel of state police. The department shall promulgate rules and regulations as necessary to implement this section.

(b) The department, the colonel of state police and licensing authorities, as defined in section 121, shall not disclose any information regarding a request to register or deregister with the list or any other personal identifying information contained in or related to the list; provided, however, that such information may be disclosed to a law enforcement officer, as defined in section 1 of chapter 6E, acting in the performance of the officer’s official duties or the applicant with respect to the applicant’s own information. A request to register or deregister with the list and any other personal identifying information contained in or related to the list shall not be considered: (i) by a court in any legal proceeding; (ii) as a condition of receiving employment, benefits or other services; or (ii) a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66.

(c) A person 18 years of age or older may voluntarily apply in writing to the department to request registration with the list and, upon registration, may thereafter apply in writing to the department to request to be deregistered with the list. The department shall prescribe forms to receive and process applications for registration and deregistration with the list. Such forms shall state that any person registered with the list shall not be



deregistered until 21 days after receiving an application for deregistration. The commissioner of criminal justice information services shall make the forms available on the department website and the colonel of state police shall make the forms available on the department of state police website.

(d) Any person requesting registration or deregistration with the list shall submit a photocopy of: (i) a motor vehicle license issued pursuant to section 8 of chapter 90; (ii) an identification card issued under section 8E of said chapter 90; (iii) a valid passport issued by the United States government; or (iv) a valid United States-issued military identification card to accompany the registration and deregistration form. The request for registration or deregistration with the list may be submitted to the department of criminal justice information services by mail or in person at any department of state police office location.

(e) Upon a person's registration with the list, the department of criminal justice information services shall confirm the registration with the applicant and submit a notification of such registration to the attorney general of the United States to be included in the National Instant Criminal Background Check System.

(f) The department shall not deregister any person from the list until 21 days after receipt of the person's deregistration application. Upon deregistration, the department shall: (i) submit a notification indicating the person's deregistration with the list to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and (ii) destroy all records of registration and deregistration and any other personal identifying information contained in or related to the list attributable to the person.

(g) The department shall engage in a public awareness campaign to raise awareness about the ability of individuals to register with the list.”

After remarks, the amendment was adopted.

Mr. Collins moved that the proposed new text be amended by adding the following words:- “No law abiding gun owner shall be subject to civil suit due to their association with their license to carry on support of these rights”.

78

The amendment was *rejected*.

Mr. Collins moved that the proposed new text be amended by adding the following section:-

79

“SECTION XX. After 25 years an individual who has been convicted to a non-felony drug offense shall not be prohibited from obtaining a license to carry due to said offense.”

The amendment was *rejected*.

Ms. Friedman in the Chair, Messrs. Gomez, O'Connor and Feeney, Ms. Edwards and Messrs. Moore and Pacheco moved that the proposed new text be amended by inserting after section 1 the following section:-

39

“SECTION 1A. Said chapter 6A is hereby further amended by inserting after section 18AA the following section:-

Section 18BB. (a) Notwithstanding any general or special law to the contrary, the executive office of public safety and security shall establish a task force focused on the trafficking of illegal firearms. The task force shall consist of: the secretary of public safety and security or a designee, who shall serve as chair; the attorney general or a designee; the chairs of the joint committee on public safety and homeland security or their designees; 2 members appointed by the Massachusetts Black and Latino Legislative Caucus; 1 member appointed by the Massachusetts Chiefs of Police Association Incorporated; 1 member appointed by the Massachusetts Major City Chiefs of Police Association; 1 member appointed by the Massachusetts District Attorneys Association; and 1 member appointed by the governor, who shall reside in a gateway municipality, as defined in section 3A of chapter 23A of the General Laws.

(b) The task force shall: (i) track the prevalence and distribution of illegal firearms in

the commonwealth; (ii) track the means by which illegal firearms are entering the commonwealth; (iii) study where illegal firearms are used most frequently in violent crimes and suicides; (iv) recommend improvements for how state and local law enforcement agencies can better track and trace the illegal trafficking of firearms; and (v) recommend best practices for the enforcement of statutes regarding the illegal trafficking of firearms.

(c) The task force shall submit an annual report, along with any legislative and regulatory recommendations, to the chairs of the joint committee on public safety and homeland security, the secretary of public safety and security and the attorney general.”

After remarks, the amendment was adopted.

Messrs. Keenan, Moore and O’Connor, Ms. Edwards and Messrs. Timilty, Tarr, Collins, Brady, Montigny and Pacheco moved that the proposed new text be amended by inserting after section 2 the following section:-

“SECTION 2A. Section 14 of chapter 131 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following 3 paragraphs:-

The executive office of public safety and security, in collaboration with the department of public health, shall develop educational materials on harm reduction, which shall be discussed and distributed by the instructor to every participant in a hunter education course pursuant to this section.

The educational materials shall promote suicide prevention through safe practices by firearms’ owners to reduce access to lethal means. The materials shall include, but not be limited to, information relative to: (i) the prevalence of suicide by firearm compared to other forms of firearms’ violence, including demographic trends; (ii) the risks of injury and suicide that may be associated with household firearms, including the rate of survival for suicide attempts by firearms compared to other means of attempted suicide; (iii) best practices for identifying and reducing the risk of suicide involving household firearms; (iv) available resources to learn more about safe practices and suicide prevention; and (v) such additional information as determined by the commissioner of public safety and security to be relevant to this section.

The executive office of public safety and security, in collaboration with the department of public health, shall develop a notice providing information on suicide prevention which shall be posted on the executive office’s website and posted and distributed in accordance with clause Fourteenth of the first paragraph of section 123 of chapter 140. Such notice shall include, but not be limited to: (i) information on signs and symptoms of depression; (ii) state and federal suicide prevention hotlines; and (iii) resources for individuals at risk of suicide.”; and

By inserting after section 21 the following 2 sections:-

“SECTION 21A. Subsection (a) of section 131P of said chapter 140, as so appearing is hereby amended by inserting after the first paragraph the following 3 paragraphs:-

The executive office of public safety and security, in collaboration with the department of public health, shall develop educational materials on harm reduction, which shall be discussed and distributed by the instructor to every participant in a firearms safety course pursuant to this section.

The educational materials shall promote suicide prevention through safe practices by firearms’ owners to reduce access to lethal means. The materials shall include, but not be limited to, information relative to: (i) the prevalence of suicide by firearm compared to other forms of firearms’ violence, including demographic trends; (ii) the risks of injury and suicide that may be associated with household firearms, including the rate of survival for suicide attempts by firearms compared to other means of attempted suicide; (iii) best practices for identifying and reducing the risk of suicide involving household firearms; (iv) available resources to learn more about safe practices and suicide prevention; and (v) such

additional information as determined by the commissioner of public safety and security to be relevant to this section.

The executive office of public safety and security, in collaboration with the department of public health, shall develop a notice providing information on suicide prevention which shall be posted on the executive office's website and posted and distributed in accordance with clause Fourteenth of the first paragraph of section 123. Such notice shall include, but not be limited to: (i) information on signs and symptoms of depression; (ii) state and federal suicide prevention hotlines; and (iii) resources for individuals at risk of suicide.

SECTION 21B. Said section 131P of said chapter 140, as so appearing, is hereby further amended by striking out, in line 57, the words 'and (d)' and inserting in place thereof the following words:- '(d) educational materials on harm reduction as developed by the executive office of public safety and security; and (e)'."

After remarks, the amendment was adopted.

Mr. Velis, Ms. Edwards, Messrs. Cronin, Moore, Pacheco, Brady, Finegold, Keenan, O'Connor, Timilty, Feeney, Oliveira, Durant and Gomez, Ms. Moran, Messrs. Tarr, Collins and Montigny, Ms. Lovely and Mr. Fattman moved that the proposed new text be amended by inserting after section 33 the following section:-

"SECTION 33A. Chapter 276 of the General Laws is hereby amended by inserting after section 58B the following section:-

Section 58C. (a) A person who has been charged with a crime under sections 17 or 18C of chapter 265, who has been released after a hearing pursuant to sections 42A, 58, 58A or 87, and who has subsequently been determined, after a hearing, by clear and convincing evidence, to have violated a condition of release by committing any offense, an element of which is the use or unlawful possession of a firearm, rifle, shotgun, machine gun or assault weapon, shall be deemed a danger to the safety of the community and the presiding judicial officer shall enter an order of revocation and detention.

(b) A person who has been charged with any offense, an element of which is the use or unlawful possession of a firearm, rifle, shotgun, machine gun or assault weapon, who has been released after a hearing pursuant to sections 42A, 58, 58A or 87, and who has subsequently been determined, after a hearing, by clear and convincing evidence, to have violated a condition of release by committing a crime undersections 17 or 18C of chapter 265 shall be deemed a danger to the safety of the community and the presiding judicial officer shall enter an order of revocation and detention.

(c) A person who has been charged with an offense, an element of which is the use or unlawful possession of a firearm, rifle, shotgun, machine gun or assault weapon, who has been released after a hearing pursuant to sections 42A, 58, 58A or 87, and who has subsequently been determined, after a hearing, by clear and convincing evidence, to have violated a condition of release by committing an offense, an element of which is the use or unlawful possession of a firearm, rifle, shotgun, machine gun or assault weapon, shall be deemed a danger to the safety of the community and the presiding judicial officer shall enter an order of revocation and detention.

(d) A person detained under this section shall be brought to a trial as soon as reasonably possible but, in the absence of good cause, the person so held shall not be detained for a period exceeding 120 days by the district court or for a period exceeding 180 days by the superior court excluding any period of delay under Rule 36(b)(2) of the Massachusetts Rules of Criminal Procedure."

After remarks, the amendment was adopted.

Messrs. Fattman, O'Connor, Moore, Timilty, Brady, Tarr and Collins moved that the proposed new text be amended in section 33, by inserting after proposed section 12G of chapter 269 of the General Laws the following section:-

6

55

“Section 12H. Whoever intentionally strikes or attempts to strike a law enforcement officer acting in the discharge of their duties by discharging an assault weapon, firearm, large capacity weapon, machine gun, rifle, stun gun, sawed-off shotgun or shotgun, as defined in section 121 of chapter 140, shall be punished by imprisonment in the house of correction for not more than 2 years and a fine of not more than \$1,000 or by imprisonment in the state prison for not more than 5 years; provided, however, that such person shall also be liable in tort to any person for all damages sustained thereby.”

After remarks, the amendment was adopted.

Ms. Edwards, Ms. Rausch, Messrs. Moore, Timilty, Brady and Tarr, Ms. Moran and Mr. Pacheco moved that the proposed new text be amended in section 35, by striking out, in line 692, the words “and (iv)” and inserting in place thereof the following words:- “(iv) an evaluation of the risks associated with the use of a digital firearm manufacturing code for machine learning and artificial intelligence; and (v)”.

68

After remarks, the amendment was adopted.

Mr. Brownsberger in the Chair, Messrs. Tarr, Moore, O’Connor, Durant, Brady, Timilty, Cronin, Collins, Pacheco, Montigny and Fattman moved that the proposed new text be amended by inserting in line 112 after the word, “clause (i);” the following:- “(H) any weapon lawfully possessed in the Commonwealth prior to the passage of this act;”.

11

Pending the question on adoption of the amendment, Ms. Creem and Messrs. Tarr and Montigny moved that the amendment be amended by striking out the text thereof and inserting in place thereof the following:-

11.1

“In section 3, by striking out, in lines 115 to 117, inclusive, the words ‘and provided further, that if a weapon, as manufactured or originally assembled, is an assault weapon, it shall remain an assault weapon even if it is altered by the seller’ and inserting in place thereof the following words:- ‘provided further, that a weapon shall not be considered a copy or duplicate if the weapon was owned and registered prior to July 20, 2016; provided further, that if a weapon, as manufactured or originally assembled, is an assault weapon, it shall remain an assault weapon even if it is altered by the seller, unless it has been rendered permanently inoperable or otherwise rendered permanently unable to be designated as a semiautomatic assault weapon; and provided further, that the previous proviso shall not apply to copies and duplicates of a weapon identified in said subclauses (a) to (i), inclusive, of said clause (i) that were sold, owned and registered prior to July 20, 2016’.”

After remarks, the amendment was adopted.

The pending amendment (Messrs. Tarr, Moore, O’Connor, Durant, Brady, Timilty, Cronin, Collins, Pacheco, Montigny and Fattman) was then considered, and after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes before eight o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 113]:

11

**YEAS.**

- |                          |                      |
|--------------------------|----------------------|
| Barrett, Michael J.      | Kennedy, Edward J.   |
| Brady, Michael D.        | Kennedy, Robyn K.    |
| Brownsberger, William N. | Lewis, Jason M.      |
| Collins, Nick            | Lovely, Joan B.      |
| Comerford, Joanne M.     | Mark, Paul W.        |
| Creem, Cynthia Stone     | Miranda, Liz         |
| Crighton, Brendan P.     | Montigny, Mark C.    |
| Cronin, John J.          | Moore, Michael O.    |
| Cyr, Julian              | Moran, Susan L.      |
| DiDomenico, Sal N.       | O’Connor, Patrick M. |

Durant, Peter J.  
Edwards, Lydia  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.  
Keenan, John F.

Oliveira, Jacob R.  
Pacheco, Marc R.  
Payano, Pavel M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 39.

**NAYS – 0.**

The yeas and nays having been completed at eleven minutes before eight o'clock P.M., the amendment was adopted, as amended.

Ms. Moran, Messrs. O'Connor, Gomez, Moore, Tarr and Pacheco, Ms. Rausch and Mr. Keenan moved that the proposed new text be amended by inserting after section 37 the following section:-

15

“SECTION 37A. (a) There shall be a commission to study, investigate and make recommendations on improvements to firearm data collection, maintenance, access and analysis, including, but not limited to: (i) changes to existing state and local data collection efforts reflecting the updated serialization requirements set forth in this act; (ii) non-retail transfers of ownership or possession of firearms, rifles, shotguns or completed or unfinished frames or receivers; (iii) licensed firearm dealer reporting of sales or transfers of parts of firearms, rifles or shotguns; (iv) data sharing practices between federal, state and local agencies; (v) data access for licensing authorities as defined in section 121 of chapter 140 of the General Laws related to processing applications for firearm identification cards or licenses to carry firearms; (vi) data access for said licensing authorities to assist in determining whether activity involving the holder of a firearm identification card or license to carry may render said holder a prohibited or unsuitable person pursuant to sections 129B or 131 of said chapter 140; and (vii) consolidation and clarification of existing data reporting statutes, including, but not limited to, sections 123, 128A and 129C of said chapter 140.

(b) The commission shall consist of: the secretary of public safety and security or a designee, who shall serve as co-chair; the attorney general or a designee, who shall serve as co-chair; the chairs of the joint committee on the judiciary or their designees; the chairs of the joint committee on public safety and homeland security or their designees; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; the colonel of the state police or a designee; the commissioner of criminal justice information services or a designee; the commissioner of public health or a designee; the commissioner of children and families or a designee; 1 member appointed by the Massachusetts District Attorneys Association; the president of the Massachusetts chapter of the National Association of Social Workers, Inc. or a designee; the executive director of the National Alliance on Mental Illness of Massachusetts, Inc. or a designee; the deputy director of the Massachusetts Public Health Association or a designee; and 3 members appointed by the governor, 1 of whom shall be a police chief from a rural community selected from a list of 3 nominees from the president of the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be a police chief from an urban or suburban community selected from a list of 3 nominees from the president of the Massachusetts Chiefs of Police Association Incorporated and 1 of whom shall be an expert in data collection and analytics.

(c) The commission shall submit a report, together with any legislative or regulatory

recommendations, to the house and senate committees on ways and means and the clerks of the house of representatives and senate not later than August 1, 2025.”

After remarks, the amendment was adopted.

*Suspension of Senate Rule 38A*

Ms. Comerford moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Senate Rule 38A.

PAPER FROM THE HOUSE.

The House Bill modernizing firearm laws (House, No. 4139,-- on House, No. 4090, in part),-- was further considered, the main question being on ordering the bill to a third reading.

Firearms,-- safety.

Messrs. Tarr, O'Connor and Durant moved that the proposed new text be amended by striking in section 16 clause (d) and (e) in their entirety and inserting in place thereof the following:- '(d) A violation of this section is punishable, for a first offense by imprisonment in a state prison for up to 1 years and or a fine of not more than \$5,000 and, for a second or subsequent offense, imprisonment in a state prison for not more than 5 years, and by a fine of not more than \$50,000'.

21

The amendment was *rejected*.

Messrs. Tarr, Durant, Moore, Timilty and Pacheco moved that the proposed new text be amended in section 9, by inserting after the word “parts”, in line 195, the following words:- “; provided, however, that adjusting or using a device to adjust the trigger pull weight of a firearm, rifle or shotgun or adjusting or replacing a magazine spring in a firearm, rifle or shotgun shall not cause the firearm, rifle or shotgun to be considered to have a rapid-fire trigger activator”.

22

After remarks, the amendment was adopted.

Messrs. Tarr and Moore moved that the proposed new text be amended by inserting after section \_ the following section:-

30

“SECTION\_ . The secretary of the executive office of public safety and security in consultation with the attorney general, the district attorneys association, and the Massachusetts chiefs of police shall report on prosecutorial activity including charges, dismissals, acquittals and sentencing pursuant to (i) section 121 of chapter 140, (ii) section 86 of chapter 265, (iii) section 10 of chapter 269 (Bartley-Fox), (iv) section 93 of chapter 269, and (v) section 96 of chapter 269.

Additionally, the secretary of the executive office of public safety and security in consultation with the attorney general, the district attorneys association, and the Massachusetts chiefs of police shall report on the status of and including any relevant progress of, (i) section 6 of chapter 22C, (ii) section 131P of chapter 140, (iii) section 131Q of chapter 140, and (iv) section 56C of chapter 215.

Said report and legislative recommendations shall be submitted to the clerks of the house and senate, the joint committee on public safety and the joint committee on judiciary, no later than 180 days following the passage of this act.”

After remarks, the amendment was adopted.

Messrs. Tarr, Moore and Collins moved that the proposed new text be amended by inserting in line 172 after the word “firearms” the following:-“; rifles or shotguns”.

32

The amendment was adopted.

Messrs. Tarr, O'Connor, Durant, Brady, Timilty and Pacheco moved that the proposed new text be amended by inserting after section \_ the following:-

34

“SECTION\_. (h)(1) of section 10 of chapter 269 as appearing in the 2020 official edition is hereby amended by striking in line 143-147 the following:-‘for not more than 2 years or by a fine of not more than \$500. Whoever commits a second or subsequent violation of this paragraph shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$1,000 or both’ and inserting in place thereof the following:-‘for not more than 5 years of by a fine of not more than \$5,000. Whoever commits a second or subsequent violation of this paragraph shall be punished by imprisonment in a house of correction for not more than 10 years or by a fine of not more than \$5,000’.”

The amendment was *rejected*.

Messrs. Crighton, Moore, Timilty, Brady, Montigny and Pacheco moved that the proposed new text be amended by inserting after section 1 the following section:-

36

“SECTION 1A. Section 36A of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notwithstanding this section, a court shall, pursuant to section 35 and section 36C, transmit information contained in court records to the department of criminal justice information services, which shall provide the information to: (i) licensing authorities as defined under section 121 of chapter 140; provided however, that information shared under this clause shall be information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing; and (ii) the Federal Bureau of Investigation; provided however, that the information shared under this clause shall be information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing; provided further, that the court shall not transmit information solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment or evaluation. Information transmitted to the department of criminal justice information services pursuant to this section and sections 35 and 36C shall not be considered public records pursuant to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4. The information required to be transmitted under clause (i) of this paragraph shall be disseminated automatically to the licensing authority through the Criminal Justice Information System for each commitment that is ordered as soon as the information is available.”

The amendment was adopted.

Messrs. Tarr, Moore, Timilty, Brady, Collins and Pacheco moved that the proposed new text be amended by striking in line 624 the word “areas” and inserting the following:-“buildings”.

44

The amendment was *rejected*.

Messrs. Fattman, O’Connor, Moore, Timilty, Tarr and Pacheco moved that the proposed new text be amended by inserting after section x the following section:-

54

“SECTION X. Chapter 94C of the General Laws, as appearing in the 2020 Official Edition, shall be amended by adding the following new section:-

Section 32O. Whoever is found guilty for trafficking substances under section 32E paragraphs (c) or (c1/2) of this chapter and is concurrently or separately found guilty of any of sections 10E, 10I, 10J, or 10K of chapter 269 regarding the trafficking or theft of firearms, rifles, shotguns or machine guns shall be punished by a term of up to life imprisonment in the state prison, that said sentence may include a fine of not more than \$500,000. A prosecution commenced under this section shall not be placed on file or continued without a finding. A person convicted of violating this section shall not be eligible for furlough, work release, temporary release or receive any deduction from his sentence for good conduct under sections 129C or 129D of chapter 127.”

The amendment was *rejected*.

72

Mr. Tarr, Ms. Edwards and Messrs. Moore, O’Connor and Timilty moved that the proposed new text be amended by inserting in line 645 after the word “building” the following:- “, or motor vehicle,”.

The amendment was *rejected*.

Ms. Creem moved that the proposed new text be amended in section 14, in lines 356-357, by striking the words “shall be punishable by not more than 12 months imprisonment” and inserting in place thereof the following words:- “shall be punishable by imprisonment in a jail or house of correction for not more than 12 months”; and

69

In section 3, by inserting after the word “weapon”, in line 115, the following words:- “; provided further, that the weapon shall not be considered a copy or duplicate if the weapon was owned and registered in the commonwealth prior to July 20, 2016”.

The amendment was adopted.

The Creem amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at five minutes past eight o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 37 — nays 3) [**Yeas and Nays No. 114**]:

**YEAS.**

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Kennedy, Robyn K.     |
| Brady, Michael D.        | Lewis, Jason M.       |
| Brownsberger, William N. | Lovely, Joan B.       |
| Collins, Nick            | Mark, Paul W.         |
| Comerford, Joanne M.     | Miranda, Liz          |
| Creem, Cynthia Stone     | Montigny, Mark C.     |
| Crighton, Brendan P.     | Moore, Michael O.     |
| Cronin, John J.          | Moran, Susan L.       |
| Cyr, Julian              | Oliveira, Jacob R.    |
| DiDomenico, Sal N.       | Pacheco, Marc R.      |
| Edwards, Lydia           | Payano, Pavel M.      |
| Eldridge, James B.       | Rausch, Rebecca L.    |
| Feeney, Paul R.          | Rodrigues, Michael J. |
| Finegold, Barry R.       | Rush, Michael F.      |
| Friedman, Cindy F.       | Spilka, Karen E.      |
| Gomez, Adam              | Tarr, Bruce E.        |
| Jehlen, Patricia D.      | Timilty, Walter F.    |
| Keenan, John F.          | Velis, John C. – 37.  |
| Kennedy, Edward J.       |                       |

**NAYS.**

- |                  |                           |
|------------------|---------------------------|
| Durant, Peter J. | O’Connor, Patrick M. – 3. |
| Fattman, Ryan C. |                           |

**The yeas and nays having been completed at nine minutes past eight o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2584, printed as amended].**

**Sent to the House for concurrence in the amendment.**

*Order Adopted.*

On motion of Ms. Lovely,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Monday

Time of meeting.



next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

*Adjournment in Memory of Lena Santos Oliveira.*

The Senator from Hampden, Hampshire and Worcester, Mr. Oliveira, moved that when the Senate adjourns today, it does so in memory of Lena Santos Oliveira.

Last week we lost someone who was always there for my family, my 98-year-old grandmother, Lena Santos Oliveira who we affectionately called "Bean".

The daughter of Portuguese immigrants, she was born at Ludlow Hospital and spent the rest of her life in town. One of the first in her family to graduate from high school, she was a member of Ludlow High School class of 1943. When the world found itself at war, she joined the War effort became a "Rosie the Riveter" in her own right working at Sickles in Chicopee making parts for radios. After the War she married my grandfather at a big double Portuguese wedding with her sister. They were married for 20 years until she became a single mom at 41 when my grandfather passed away suddenly with two adolescents and a 7-year-old to raise, including my Dad, Rich who is here today. Going back to work, she became the beloved Mrs. O at the Corner Store in Ludlow. To her astonishment, so many teens asked to buy rolling paper. She stayed at the Corner Store until I came along when I was born a day before her birthday. As her "birthday present" she quit her job and took care of me full time. If there was a course on grand mothering, she could have taught it. If there was a fieldtrip, she would chaperone it. If there was a sporting event, she was in the stands. If there was a family holiday or birthday, she was hosting it. In fourth grade I had an assignment to write about someone who is our hero, there was only one person to write about, my Bean. That heroism was on full display when, in her late 70s, she dropped everything and moved into her older sister's house to care for her when she was stricken with debilitating dementia. When another sister fell ill, Bean cared for both. We nicknamed them "the Golden Girls". For the next several years, through sleepless nights and the progression of the disease, Bean helped her sister stay in her home as long as she could. Lena Oliveira throughout her life embodied selflessness.

The last few years had her slowing down, but that didn't stop Bean from traveling. She loved attending concerts at Tanglewood and spending time in Maine, Florida, and her sister Sid's near San Diego. Just two years ago this month we brought Bean to California for her sister's 100 Birthday. It was an incredible trip and seeing those two remaining siblings of nine interact, at such an advanced age, filled us all with joy.

A week ago, Sunday, we gathered for a family dinner at her place. I will always cherish that last meal with her surrounded by many of the people she loved. Living right next door, my family asked me to go to her place and turn off the dehumidifier. She was already fast asleep, but I took a moment to stand in the doorway and listen to her breath. The next day Bean had breakfast, lunch, and physical therapy. That afternoon she settled in her recliner, dozed off and slipped away peacefully in her home. I wish we could all be so lucky.

Close can't even describe the special bond that we had. From raising my sister and I while my parents worked full-time, to being a short order cook for our family every night, to summer vacations in our beloved Maine, to bringing me along for lunches with "the girls", to being a travel and road trip companion, to being my neighbor on East Street for the last several years. I've never known a world without her, and I will miss her dearly.

Accordingly, as a mark of respect to the memory of Lena Santos Oliveira, at ten minutes past eight o'clock P.M., on motion of Mr. Montigny, the Senate adjourned to meet

again on Monday next at eleven o'clock A.M.

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