
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, OCTOBER 18, 2023.

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JOURNAL OF THE HOUSE.

Wednesday, October 18, 2023.

Met according to adjournment at eleven o'clock A.M. with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

Resolutions (filed with the Clerk by Representative Holmes of Boston) honoring Reverend Dr. Conley Hughes, Jr. for his thirty-five years as pastor of Concord Baptist Church of Boston and forty-five years as a pastor in Massachusetts, were referred, under Rule 85, to the committee on Rules.

Conley
Hughes.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Smola of Warren, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A Bill establishing a sick leave bank for Jason Barone-Cichocki, an employee of the Massachusetts Department of Transportation (Senate, No. 2414) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Jason Barone-
Cichocki,—
sick leave.

Mr. Honan of Boston, for said committee, then reported that the bill be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Owens of Watertown, the bill was read a second forthwith; and it was ordered to a third reading.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2467) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to change the name and membership of the Nantucket Planning and Economic Development Commission. To the committee on Municipalities and Regional Government.

Nantucket,—
planning
commission.

Petition (accompanied by bill, Senate, No. 2465) of Julian Cyr and Sarah K. Peake (by vote of the town) for legislation relative to the expansion of the residential tax exemption in the town of Provincetown; and

Provincetown,—
residential tax
exemption.

Petition (accompanied by bill, Senate, No. 2466) of Julian Cyr and Sarah K. Peake (by vote of the town) for legislation to authorize the town of Provincetown to impose a 0.5% real estate transfer fee.

Provincetown,—
transfer fee.

Severally to the committee on Revenue.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Jessica Ann Giannino and others relative to pediatric cancer research. Under suspension of the rules, on motion of Mr. Owens of Watertown, 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 Senate for concurrence.

Pediatrics,—
cancer
research.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Authorizing the town of Canton to grant temporary and permanent easements of certain land of the town situated in the town of Stoughton for highway purposes (House, No. 3937) [Local Approval Received]; and

Canton,—
land.

Validating the actions taken at the Princeton annual town meeting (printed in House, No. 4067);

Princeton,—
town meeting.

Under suspension of Rule 7A, in each instance, on motion of Mr. Owens of Watertown, the bills were read a second time forthwith; and they were ordered to a third reading.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a joint petition, a Bill investigating the economic impact of certain Massachusetts laws (House, No. 263). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Laws,—
economic
impact.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the registration of veterinarians (House, No. 267).

Veterinarians,—
registration.

By the same member, for the same committee, on a petition, a Bill relative to debt collection licensure (House, No. 268).

Debt collection
licensure.

By the same member, for the same committee, on a petition, a Bill relative to partial payment (House, No. 288).

Residential
contracting.

By the same member, for the same committee, on Senate, No. 207 and House, No. 332, a Bill regulating the practice and licensure of veterinary technicians (House, No. 332).

Veterinary
technicians,—
licensure.

By the same member, for the same committee, on a petition, a Bill relative to the Board of Registration of Cosmetology and Barbering exams (House, No. 334).

Cosmetology and
barbering exams.

By the same member, for the same committee, on a petition, a Bill relative to the licensure of swimming pool builders and service contractors (House, No. 356).

Swimming
pool builders.

By the same member, for the same committee, on House, No. 266, a Bill relative to the direct wine shipper license (House, No. 4130).

Direct wine
shippers.

By the same member, for the same committee, on House, No. 392, a Bill making corrective changes to Chapter 112 of the General Laws (House, No. 4133).

Federal
appraisers.

By the same member, for the same committee, on House, No. 399, a Bill relative to the registration of irrigation contractors (House, No. 4134).

Irrigation
contractors.

By Mr. Cutler of Duxbury, for the committee on Labor and Workforce Development, on House, No. 1853, a Bill relative to the Department of Unemployment Assistance Advisory Council (House, No. 4136).

Unemployment,—
advisory
council.

By the same member, for the same committee, on House, No. 1834, a Bill to protect the collective bargaining rights of certain administrative employees (House, No. 4137).

Collective bargaining.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Chan of Quincy, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill updating real estate appraiser record retention requirements (House, No. 336).

Real estate appraisers,— records.

By the same member, for the same committee, on Senate, No. 181 and House, No. 369, a Bill relative to acceptance of certain types of identification to purchase alcohol in Massachusetts (House, No. 4131).

Alcohol purchasing,— identification.

By the same member, for the same committee, on House, No. 383, a Bill allowing electronic delivery receipts for certain bulk sale customers (House, No. 4132).

Bulk sales,— electronic receipts.

By Mr. Arciero of Westford, for the committee on Housing, on a petition, a Bill authorizing the town of Reading to dissolve its Affordable Housing Trust Fund (House, No. 1341) [Local Approval Received].

Reading,— housing trust fund.

By the same member, for the same committee, on a petition, a Bill facilitating the appropriation and expenditure of community preservation funds for community housing purposes in the town of Chatham (House, No. 1365) [Local Approval Received].

Chatham,— community preservation funds.

By the same member, for the same committee, on a petition, a Bill establishing a housing trust fund in the town of Chatham (House, No. 1366) [Local Approval Received].

Chatham,— housing trust fund.

By the same member, for the same committee, on a joint petition, a Bill reorganizing the Lexington Housing Assistance Board, Inc. (House, No. 3775) [Local Approval Received].

Lexington,— housing board.

By the same member, for the same committee, on a joint petition, a Bill dissolving the Hampshire County Regional Housing Authority and incorporating its functions into the Northampton Housing Authority (House, No. 3810).

Hampshire County Regional Housing Authority.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

The engrossed Bill amending the Tourism Revenue Preservation Fund in the town of Yarmouth (see House, No. 3796) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Orders of the Day.

The Senate amendment of the House Bill relative to property tax classifications in the city of Watertown (House, No. 2910), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Watertown,— property tax classifications.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at seven minutes after one o'clock, the House was called to order with Ms. Hogan of Stow in the Chair.

Recess.

Message from Her Excellency the Governor.

The Speaker being in the Chair,—

A message from Her Excellency the Governor recommending legislation relative to the Affordable Homes Act (House, No. 4138), was filed this day in the office of the Clerk.

Affordable homes.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Housing. Sent to the Senate for concurrence.

Petition.

Representative Cabral of New Bedford presented a petition (subject to Joint Rule 12) of Antonio F. D. Cabral for legislation to establish a sick leave bank for Corinne Senna, an employee of the Trial Court; and the same was referred, under Rule 24, to the committee on Rules.

Corinne Senna,—
sick leave.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Cabral of New Bedford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Reports of Committees.

Ms. Hogan of Stow being in the Chair,—

Mr. Michlewitz of Boston, for the committee on Ways and Means, on House, No. 4090, reported, in part, a Bill modernizing firearm laws (House, No. 4135) [Representatives Smola of Warren, D'Emilia of Bridgewater, Muratore of Plymouth, Berthiaume of Spencer, McKenna of Webster, Pease of Westfield, Sullivan-Almeida of Abington and Xiarhos of Barnstable, dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Firearms.

Mr. Honan of Boston, for said committee, then reported that the matter be scheduled for consideration by the House.

Mr. Jones of North Reading then raised a point of order that the bill was improperly before the House for the reason that the bill did not contain a fiscal note from the committee on Ways and Means, as required by House Rule 33.

Point of order.

In answer to the point of order the Chair (Ms. Hogan of Stow) stated that it was not in the province of the Chair to inquire into the internal workings of the committee. Therefore, the Chair ruled that the point of order was not well taken.

Mr. Jones thereupon appealed the decision of the Chair; and the appeal was seconded by Mr. Vieira of Falmouth.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?".

After debate on the appeal from the decision of the Chair, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 132 members voted in the affirmative and 27 in the negative.

[See [Yea and Nay No. 59 in Supplement.](#)]

Therefore the decision of the Chair was sustained.

Under suspension of the rules, on motion of Mr. Day of Stoneham, the bill was then read a second time; and it was ordered to a third reading.

Subsequently (the Speaker being in the Chair), under suspension of the rules, on motion of Mr. Day of Stoneham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Kearney of Scituate moved to amend it in section 47, in line 1300, by striking out the figure: “4” and inserting in place thereof the figure: “5”; and in line 1443 by inserting the following:

“SECTION 126B(f). Any and all members of the active and reserve military services will be exempt from live firearms training.”.

The amendments were rejected.

The same member then moved to amend the bill in section 57, in line 1910, by inserting after the word “section.” the following two sentences: “If the respondent is deemed to be homicidal by the mental health service provider that respondent will be forced into an emergency dangerousness hearing with the district attorney’s office. If the respondent is deemed to be suicidal that respondent will be required to undergo a seventy-two hour psychiatric evaluation.”. The amendment was rejected.

Mr. Kearney then moved to amend the bill in section 48, in line 1515, by inserting after the word “guard,” the words “space force, commissioned corps of the United States public health service, national oceanic and atmospheric officer corp”; and the amendment was rejected.

Mr. Kearney of Scituate then moved to amend the bill in section 45, in lines 967 to 971, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

“(a)(1) A long gun permit shall entitle the holder to purchase, transfer, possess and carry common long guns, and the ammunition therefor. A long gun permit shall not entitle a holder to transfer, possess or carry any other firearm including any large capacity firearm, semiautomatic rifle or semiautomatic shotgun except under the direct supervision of a holder of a license to carry firearms at an incorporated shooting club or a licensed shooting range.

(2) Notwithstanding paragraph (1) or section 128B to the contrary, if a person satisfies all other requirements of this section and is 18 years of age or older residing within the jurisdiction of the licensing authority and who is either: (i) an active member of the United States army, navy, marine corps, air force, space force, commissioned corps of the United States public health service, or national oceanic and atmospheric officer corp; (ii) a member of the Massachusetts national guard; or (iii) a veteran as defined in section 7 of chapter 4, then a long gun permit shall entitle such a holder to transfer, purchase and possess semiautomatic rifles that cannot accept a detachable magazine that holds more than 5 rounds of ammunition and semiautomatic shotguns that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine for use only at an incorporated shooting club or licensed shooting range.”.

The amendment was rejected.

Mr. Markey of Dartmouth then moved to amend the bill in section 92, in line 2361, by inserting after the word “Whoever,” the following: “with the exception of a

Decision
of Chair
sustained,—
yea and nay
No. 59.

law enforcement officer certified pursuant to chapter 6E; or a security guard in performance of the security guard's duties"; and in lines 2385 to 2393, inclusive, by striking out paragraphs contained in those lines"; and the amendments were rejected.

The same member then moved to amend the bill in section 92, in lines 2376 to 2382, inclusive, by striking out the paragraph contained in those lines. The amendment was rejected.

Mr. Markey then moved to amend the bill in section 58, in lines 1851 and 1852 and also in line 1856, by striking out the words "a preponderance of the" and inserting in place thereof, in each instance, the words "clear and convincing". The amendments were rejected.

Mr. Markey of Dartmouth then moved to amend the bill by adding the following section:—

SECTION 136. Subsection A of section 99 of Chapter 272 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in line 26, the word "crime" and inserting in place thereof the following words:— crime, unless otherwise proscribed by the following paragraph.

Said subsection A of section 99 of Chapter 272 of the General Laws, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:—

The general court further finds that within the commonwealth there has been an increase in violence, with and without weapons, that has taken the lives of many. Such acts are not the product of highly organized and disciplined groups. Rather, these acts are conducted by small, undisciplined groups of individuals with loose affiliation who use modern technology to plan, perform and conceal these violent acts. However, the general court finds that curtailing and eliminating such violent acts, and holding these groups and individuals responsible for such acts, requires the use of modern electronic surveillance devices. Therefore, the general court finds that the use of such devices by law enforcement officials, as it relates to investigations of violent offenses, must be conducted under strict judicial supervision and without the need to prove that a highly organized and disciplined group committed such violent acts.

Subsection B of section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in line 65, the words "designated offense" and inserting in place thereof the following words:— designated organized crime offense.

Said subsection B of Section 99 of Chapter 272, as so appearing, is hereby further amended by striking out, in line 72, the words "narcotic or harmful drug" and inserting in place thereof the following words:— narcotic, harmful drug or firearm.

Said subsection B of Section 99 of Chapter 272, as so appearing, is hereby further amended by inserting after paragraph 7, the following paragraph:—

The term "designated violent offense" shall include the following violent offenses in connection with violent crime as described in the preamble: sections one, thirteen, fifteen, fifteen A, sixteen, eighteen A, eighteen B, eighteen C, of chapter two hundred and sixty five of the general laws.

Subsection E of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in lines 254 and 258, the words "designated offense" and inserting in place thereof the following words:— designated organized crime offense or designated violent offense.

Said subsection E of Section 99 of Chapter 272, as so appearing, is hereby further amended by striking out paragraph 3, and inserting in place thereof the following paragraph:—

For purposes of a designated organized crime offense, the applicant shall make a showing that normal investigative procedures have been tried and have failed or

reasonably appear unlikely to succeed if tried. Such requirement shall not be deemed required for purposes of a designated violent offense.

Subsection F of section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in lines 273, 277 and 279, the words “designated offense” and inserting in place thereof the following words:— designated organized crime offense or designated violent offense.

Subsection I of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in line 367, the words “designated offense” and inserting in place thereof the following words:— designated organized crime offense or designated violent offense.

Subsection N of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in lines 501-502, the words “designated offense” and inserting in place thereof the following words:— designated organized crime offense or designated violent offense.

Subsection R of Section 99 of Chapter 272, as so appearing, is hereby amended by striking out, in line 587, the words “designated offenses” and inserting in place thereof the following words:— designated organized crime offenses or designated violent offenses.

The amendments were rejected.

Mr. Cusack of Braintree then moved to amend the bill in section 92, in lines 2389 to 2393, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(5) This subsection shall not apply to an active law enforcement officer, as defined in section 1 of chapter 6E, while in performance of their official duties or to a security guard employed at the prohibited area while at the location of their employment and during the course of their employment. Clauses (i) to (iii), inclusive, of paragraph 2 shall not apply to an active law enforcement officer, acting in their personal capacity, while carrying a firearm provided by the officer’s employing law enforcement agency. Clause (iii) of paragraph 2 shall not apply to firearms authorized by a secondary school, college or university, with prior written notice to the department of state police, to be possessed or stored on school grounds. Nothing in this paragraph shall limit the authority of any municipality, county or department, division, commission, board, agency or court of the commonwealth to adopt policies further restricting the possession of firearms in areas under their control.”.

After remarks on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 60](#) in Supplement.]

Therefore the amendment was adopted.

Mr. Cahill of Lynn then moved to amend the bill by inserting after section 11 the following section:—

SECTION 11A. Chapter 118E of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following 2 sections:—

Section 83. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Community violence”, intentional acts of interpersonal violence committed in public areas by individuals who are not family members or intimate partners of the victim.

“Community violence prevention and intervention services”, evidence-based, trauma-informed, supportive and non-psychotherapeutic services provided by a certified violence prevention professional within or outside of a clinical setting, for

Amendment
adopted,—
yea and nay
No. 60.

the purpose of promoting improved health outcomes and positive behavioral change, preventing injury recidivism and reducing the likelihood that an individual who is a victim of community violence will commit or promote community violence. “Community violence prevention services”, shall include, but shall not be limited to, the provision of peer support and counseling, mentorship, conflict mediation, crisis intervention, targeted case management, referrals to a certified violence prevention professional, licensed health care professionals or social services providers, patient education or screening services to victims of community violence.

“Interpersonal violence”, the intentional use of physical force or power against other persons by an individual or small group of individuals.

“Prevention professional”, shall have the same meaning as described by the National Uniform Claim Committee , or its successor, pursuant to NUCC Code Number 405300000X.

“Certified violence prevention professional”, a prevention professional certified pursuant to subsections (c) and (d) of this section.

(b)(1) The secretary of health and human services shall amend the Medicaid state plan to make community violence prevention services available, subject to federal law and approval, to any Medicaid beneficiary who has: (A)(i) received medical treatment for an injury sustained as a result of an act of community violence; or (ii) been referred by local or state police as being at risk for engagement in community violence or a victim of community violence; and (B) been referred by a certified or licensed health care provider or social services provider to receive community violence prevention services from a certified violence prevention professional, after such provider determines such beneficiary to be at an elevated risk of a violent injury or retaliation resulting from a subsequent act of community violence.

(2) The secretary of health and human services shall seek any federal approvals necessary to implement this section, including, but not limited to, state plan amendments or federal waivers by the federal Centers for Medicare and Medicaid Services. This subsection shall be implemented only to the extent that federal financial participation is available, and any necessary federal approvals have been obtained.

(3) The provisions of this subsection shall be implemented only to the extent permitted by federal law.

(c) Any prevention professional seeking certification as a certified violence prevention professional shall complete: (i) not less than 6 months of full-time equivalent experience in providing community violence prevention services, (ii) complete a training and certification program for certified violence prevention professionals, approved pursuant to subsection (d), maintain such certification and complete any other requirements as established by the executive office.

(d)(1) The executive office shall approve at least 1 training and certification program for certified violence prevention professionals. Such program shall include:

(i) not less than 35 hours of initial training, collectively addressing all of the following:

(A) The profound effects of trauma and violence and the basis of trauma-informed care;

(B) national best practices regarding community violence prevention and intervention strategies, including, but not limited to, methods to support long term behavioral change, conflict mediation, retaliation prevention related to community violence;

(C) case management and advocacy practices; and

(D) patient privacy and the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended, (HIPAA).

(ii) not less than 6 hours of continuing education every 2 years.

(e) Any entity that employs or contracts with a certified violence prevention professional to provide community violence prevention services shall:

(i) maintain documentation that each certified violence prevention professional has met all of the conditions described in subsections (c) and (d); and

(ii) Ensure that each certified violence prevention professional is providing community violence prevention services in compliance with any applicable standards of care, rules, regulations and state and federal law.

(f) No person, unless certified as a violence prevention professional pursuant to this section, may use the title “certified violence prevention professional” or make use of any title, words, letters, abbreviations or insignia indicating or implying that they are a certified violence prevention professional.

(g) Nothing in this section shall alter the scope of practice for any health care professional.

The amendment was adopted.

Mr. Gentile of Sudbury then moved to amend the bill in section 49, in lines 1620, 1621 and 1622 by striking out the following: “2 members appointed by the governor, 1 of whom shall be a member of the Gun Owners Action League, Inc. and 1 of whom shall be a police chief selected from a list of four chiefs provided by the Massachusetts Chiefs of Police Association Incorporated” and inserting in place thereof the following: “1 member appointed by the governor, who shall be a member of the Gun Owners Action League, Inc.; 1 member appointed by the Massachusetts Chiefs of Police Association Incorporated, who shall be a police chief”; and the amendment was rejected.

Ms. Decker of Cambridge then moved to amend the bill in section 126, in line 2598, by inserting after the word “funded,” the words “, the impact of services provided to survivors of victims of homicide in fostering healing and breaking the generational cycle of violence”. The amendment was adopted.

Mr. Schmid of Westport then moved to amend the bill in section 48, in lines 1476 and 1477, by striking out the words “non large capacity”; and the amendment was adopted.

Ms. Hogan of Stow being in the Chair,—

Mr. Markey of Dartmouth then moved to amend the bill by adding the following section:

“SECTION 136. 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.

Representatives Soter of Bellingham and Muradian of Grafton then moved to amend the bill by striking out all after the enacting clause and inserting the following:

“SECTION 1: Said chapter 131, as so appearing, is hereby further amended by striking out section 62 and inserting in place thereof the following section:—

Section 62. A person, with a percentage, by weight, of alcohol in their blood of eight one hundredths or greater, or while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressant or stimulant substances, all as defined in section 1 of chapter 94C, or who intentionally smells or inhales the fumes of any substance having the property of releasing toxic vapors in violation of section 18 of chapter 270, shall not hunt or carry a firearm, bow and arrow or other weapon while engaged in hunting or target shooting. A violation of this section shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not more than 2 ½ years, or by both such fine and imprisonment.

SECTION 2: Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Machine gun” and inserting in place thereof the following 4 definitions:—

‘Machine gun’, a firearm, loaded or unloaded, which may automatically discharge more than 1 shot by a continuous activation of the trigger, whether originally manufactured as such or modified by automatic conversion, including through the use of an automatic part; provided, that ‘machine gun’ shall include a submachine gun.

‘Manufacture’, to fabricate, make, form, produce or construct, by manual labor or by machinery, a firearm; provided, however, that ‘manufacture’ shall not include firearm reassembly, firearm repair or the making or fitting of special barrels, stocks or trigger mechanisms to firearms.

‘Nonresident’, a person who is temporarily in the commonwealth but legally resides in another state or territory of the United States.

‘Permanently embedded’, applied in such a way that cannot be easily or readily removed 320 without destroying the part to which it is applied.

SECTION 3: Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of ‘Trigger crank’ and inserting in place thereof the following 3 definitions:—

‘Trigger modifier’, any modification that repeatedly activates the trigger of a firearm, including, but not limited to, trigger cranks, binary triggers and hellfire triggers.

‘Undetectable firearm’, (i) a firearm that after the removal of grips, stocks and magazines, is not detectable by walk-through metal detectors calibrated and operated to detect the security exemplar as defined in 18 U.S.C. Section 922(p)(2)(C); or (ii) a major component of a firearm as defined in 18 U.S.C. Section 922(p)(2)(B) that, when inspected by detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component.

‘Untraceable firearm’, a firearm that has not been serialized or a firearm whose serial or other identification number has been removed, defaced, altered, obliterated or mutilated in any manner.

SECTION 4: Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 122B and inserting in place thereof the following section:—

122B. (a) The department of criminal justice information services in collaboration with the executive office of public safety and security and the executive

office of technology services and security, shall collect, assemble, and publish data and other information relating to the use of firearms in the commonwealth.

(b) State and local agencies, including but not limited to the department of the state police, licensing authorities, all district attorney offices within the commonwealth, and other criminal justice agencies as defined in section 167 of chapter 6, shall provide timely access to information requested by the department of criminal justice information services pursuant to this section.

(c) The department of criminal justice information services shall make non-personally identifying data accessible to the general public through the publication of an online dashboard updated at least quarterly. This dashboard shall include but shall not be limited to:

(1) the following aggregate data on the issuance of firearm licenses and permits pursuant to sections 124 to 124B, inclusive, of chapter 140:

(i) the age, gender, and municipality of applicants for a license to carry;

(ii) the age, gender, and municipality of individuals whose applications for a license to carry were denied;

(iii) the age, gender, and municipality of applicants for a long gun permit; and

(iv) the age, gender, and municipality of individuals whose applications for a long gun permit were denied; and

(2) the following aggregate data on firearm-related violence, including but not limited to firearm-involved crimes and attempted or completed suicides using firearms:

(i) the type of firearm-involved violence (e.g., attempted or completed suicide, homicide, accidental shooting, other firearm-involved crime);

(ii) the age, and gender of the firearm user;

(iii) the age, and gender of any victims of firearm-involved violence;

(iv) the geographic location of the firearm-involved violence;

(v) the firearms license status of the firearm user;

(vi) whether the firearm user, at the time of the incident, would be considered a prohibited person as described in section 123 of;

(vii) whether the firearm user was arrested as a result of the incident;

(viii) whether the firearm user was charged with a mandatory minimum and the disposition of the charge;

(ix) the disposition of any prosecution;

(x) whether the firearm was used in connection with known gang activity, a domestic dispute, or police interaction;

(xi) the make, model, manufacturer, and state or country of origin of the involved firearm;

(xii) the origin, source and secondary market of the involved firearm, including whether it was purchased from a licensed dealer or private seller;

(xiii) whether the involved firearm was lost, stolen or otherwise illegally obtained; and

(xiv) whether the involved firearm was untraceable or a privately made firearm, including the manner in which it was produced.

(d) the department of criminal justice information services, in coordination with the executive office of public safety and security, shall promulgate rules and regulations to ensure prompt collection, exchange, and publication the firearm licensing information under this section."

The amendment was rejected.

Mr. Donato of Medford being in the Chair,—

Mr. Kearney of Scituate then moved to amend the bill in section 92, in line 2370, by inserting after the word “thereof;” the words [A]“and, exempting any and all state-owned public land currently available for hunting;”.

Pending the question on adoption of the amendment, Mr. Puppolo of Springfield moved to amend it by striking out the text of said amendment [at “A”] and inserting in place thereof the following:— ; provided, however, that any state-owned public land available to the public for hunting shall not be a “prohibited area”.

After remarks the further amendment was adopted, thus precluding a vote on the pending amendment.

Mrs. Sullivan-Almeida of Abington then moved to amend the bill by adding the following section:

“SECTION 136. Section 58A of said chapter 276, as appearing in the 2020 Official Edition, is hereby amended by striking from subsection (1) provided, however, that the commonwealth may not move for an order of detention under this section based on possession of a large capacity feeding device without simultaneous possession of a large capacity weapon; or arrested and charged with a violation of section 10G of said chapter 269.

And replacing it with ‘The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions when a person has been charged with violation of section 131N of chapter 140 or subsection (a), (b), (c), (d), (h), (j) or (m) of section 10 or section 11C of chapter 269;’.”

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 26 members voted in the affirmative and 133 in the negative.

[See [Yea and Nay No. 61](#) in Supplement.]

Therefore the amendment was rejected.

Mr. Holmes of Boston then moved to amend the bill, in section 86, in line 2334, by inserting before the word “bump” the words “automatic part,”; and the amendment was adopted.

Mr. Frost of Auburn then moved to amend the bill section 58, in line 1907, by inserting after the word “jurisdiction.” the following sentence: “Any respondent against whom an extreme risk protection order has been issued, and who has been ordered to surrender all firearms, shall be required to undergo a mandatory psychological evaluation.”. The amendment was rejected.

Mrs. LaNatra of Kingston then moved to amend the bill by adding the following section:—

SECTION 136. Chapter 6 of the General Laws is hereby amended by inserting after section 118 the following section:—

Section 119. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“Critical incident”, a traumatic event that may cause powerful emotional reactions in people involved or exposed to the event, including: (i) line of duty death or life-threatening injury of an officer; (ii) suicide of an officer; (iii) multiple casualty incidents or disasters; (iv) significant stressful incidents involving children; (v) incidents involving life-threatening injuries or death of a family member or significant other of an officer; (vi) an officer-involved injury or death, as defined in section 1 of chapter 6E; and (vii) any other significant incident that elicits a strong emotional response by the involved officers, at the discretion of the head of the law enforcement agency.

“Law enforcement agency” or “agency”, as defined in section 1 of chapter 6E.

“Law enforcement officer” or “officer”, as defined in section 1 of chapter 6E.

Amendment
rejected,—
yea and nay
No. 61.

“Telehealth”, as defined in section 30 of chapter 32A.

(b) Each law enforcement agency shall, in collaboration with the municipal police training committee established pursuant to section 116, develop and maintain a policy or program for supporting law enforcement officers who have been involved in a critical incident. The policy or program may include a peripheral law enforcement officer present at the scene of reports an impact or request supportive services.

(c) The policy or program shall include:

(1) Pre-incident preparation, including training and education about both normal and problematic post-traumatic reactions commonly associated with critical incidents;

(2) Protocols to ensure an involved officer’s physical and psychological safety at the scene and following the critical incident;

(3) The provision of post-critical incident services to an involved officer, and the ability to extend the post-critical incident services to an officer’s family and significant others when warranted;

(4) Guidelines for temporary leave or appropriate duty reassignment as agreed upon by an involved officer and the agency to allow an involved officer to receive services and manage the impact of the incident on an involved officer and an involved officer’s family and significant others; and

(5) Guidelines and procedures for an officer’s return to duty, including ongoing support and services available to an involved officer. The guidelines and procedures may include, to the extent possible given the law enforcement agency’s size and resources:

(i) A reintegration plan that considers having an officer return to the scene of the critical incident if necessary, participation in additional firearm training and participation in a graduated re-entry with a partner; and

(ii) Ongoing supportive mental health services, including confidential follow-up by a qualified mental health professional, either in person or through telehealth services.

(d) The policy or program may include, to the extent possible given the law enforcement agency’s size and resources:

(1) At least 1 confidential post-critical incident intervention with a qualified mental health professional in a timely manner following the incident, including through telehealth services;

(2) Ongoing confidential mental health services from a qualified mental health professional as needed, including through telehealth services; and

(3) Some form of peer support, including agency peer support or online or telehealth peer support.

(e) Not less than biennially, each law enforcement agency shall complete a review of the policy or program required pursuant to this section and revise the policy or program, as necessary.

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The amendment was rejected.

Mr. Gentile of Sudbury then moved to amend the bill in section 45, in lines 986 and 987, by striking out the text contained in those lines; and inserting in place thereof

the following sentence: “(d) A firearms safety certificate shall be required with first license or permit applications unless otherwise exempted.”; and in section 47, in line 1309, by inserting after the word “No” the word “initial”. The amendments were rejected.

The same member then moved to amend the bill by striking out sections 39, 88 and 131;

In section 40, in line 563 to 568, inclusive, by striking out the sentence contained in those lines;

In section 44, in lines 898 and 899, by striking out the following: “and shall report such delivery or surrender to the electronic firearms registration system created pursuant to section 122”, and in lines 950 to 962, inclusive, by striking out the paragraph contained in those lines; and

In section 45, in lines 988 to 992, inclusive, by striking out the paragraph contained in those lines, in lines 1026 to 1029, inclusive, by striking out the paragraph contained in those lines;

In section 46, in lines 1145, 1146 and 1147, by striking out the paragraph contained in those lines, in lines 1159 to 1162, inclusive, by striking out the paragraph contained in those lines; and by striking out Section 125A (d);

In section 47, in line 1378, by striking out the word “, registration”; and

In section 48, in lines 1600 to 1612, inclusive, by striking out the paragraph contained in those lines.

The amendments were rejected.

Mr. Gentile then moved to amend the bill in section 45, in line 1020, by inserting after the figures: “126.” the following sentence: “Law enforcement officers are exempt from this requirement.”. The amendment was rejected.

The Speaker being in the Chair,—

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Day of Stoneham; and on the roll call 120 members voted in the affirmative and 38 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 62.

[See [Yea and Nay No. 62 in Supplement.](#)]

Therefore the bill (House, No. 4139, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill relative to property tax classifications in the city of Watertown (see House, No. 2910, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bill
enacted.

Order.

On motion of Mr. Garballey of Arlington,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Next
sitting.

At twelve minutes before six o'clock P.M., on motion of Mr. Jones of North Reading (the Speaker being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.