HOUSE . . . . No. 1833

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
James M. Murphy	*4th Norfolk*	*1/20/2011*

HOUSE . . . . No. 1833

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 1833) of James M. Murphy for legislation to require background checks and training of security staff employed at bars and clubs serving alcoholic beverages. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *275* OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
_____

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

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

1   SECTION 1.   Background Checks.

2   No person may perform the duties of security staff (bouncers, doormen, floor staff, or

3 other persons performing duties related to admission of patrons and/or maintaining order and

4 safety) at bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages

5 pursuant to a license authorized by section 12 of chapter 138 of the general laws of

6 Massachusetts unless the proprietor, owner, or manager of the establishment has performed a

7 CORI check pursuant to chapter 6 of the general laws of Massachusetts and chapter 803 of the

8 Code of Massachusetts Regulations, that person has been found qualified to perform the required

9 duties, and that such determination of qualification has been memorialized in writing by the

10   proprietor, owner, or manager. The background check should focus on violent criminal history or

11   other incidents that are strictly related to the duties of the position.

12   Section 2.   Third-Party Training.

13   No person may perform the duties of security staff (bouncers, doormen, floor staff, or

14   other persons performing duties related to admission of patrons and/or maintaining order and

15   safety) at bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages

16   pursuant to a license authorized by section 12 of chapter 138 of the general laws of

17   Massachusetts unless (i) the person has satisfactorily completed a program of third-party training

18   to identify a problem patron exhibiting behavior including, but not limited to, aggressive

19   behavior, underage consumption of alcoholic beverages, presentation of false/fake identification,

20   (ii) the person has satisfactorily completed a program of third-party training to employ best

21   practices regarding safe removal of the aforesaid problem patron from the premises without

22   physically harming the problem patron, another patron, or any staff member, (iii) the person has

23   received a certificate indicating satisfactory completion of the training from the third-party

24   trainer, and (iv) the proprietor, owner, or manager of the establishment has verified such

25   completion and memorialized such verification in writing.

26   Section 3.   Regulatory Authority.

27   The Executive Office of Public Safety shall have the authority to promulgate rules and

28   regulations necessary to implement and enforce these sections.

29   Section 4.   Severability.

30 If any provision of this act or the application of such provision to any person or

31 circumstance shall be held invalid, the validity of the remainder of this act and the applicability

32 of such provision to other persons or circumstances shall not be affected thereby.

33 Section 5. Implementation.

34 The provisions of this act shall be effective thirty (30) calendar days after passage.