

HOUSE No. 2813

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

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 establishing the Massachusetts law revision commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/16/2015</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>12/5/2019</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>12/5/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>12/5/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>12/5/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>12/5/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>12/5/2019</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>12/5/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>12/5/2019</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>12/5/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>12/5/2019</i>

HOUSE No. 2813

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 2813) of Byron Rushing and others for legislation to establish the Massachusetts law revision commission. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An act establishing the Massachusetts law revision commission.

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. Chapter 3 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 70. (a) There shall be a permanent law revision commission to consist of 15
4 members, 2 of whom shall be the chairs of the house and senate chairs of the joint committee on
5 the judiciary, who shall serve as co-chairs of the commission; the attorney general or a designee;
6 the chief justice of the supreme judicial court or a designee; the chief justice of the appeals court
7 or a designee; four attorneys admitted to practice law in the commonwealth, 1 to be appointed by
8 the senate president, 1 to be appointed by the speaker of the house of representatives, 1 to be
9 appointed by the senate minority leader, and 1 member to be appointed by the house minority
10 leader; and 6 members appointed by the governor. Of the members appointed by the governor, 4
11 shall be faculty members of accredited law schools in the commonwealth and 2 shall be
12 attorneys admitted to practice law in the commonwealth.

13 (b) The counsel to the senate and the counsel to the house of representatives shall jointly
14 provide personnel necessary to coordinate the activities of the commission and to assist the
15 commission in drafting legislative proposals as requested.

16 (c) The representatives of nongovernmental organizations shall serve staggered 4-year
17 terms. The initial terms of the first members of the commission shall be staggered so that 4
18 members serve terms of 4 years, 3 members serve terms of 3 years, and 3 members serve terms
19 of 2 years. Vacancies shall be filled for unexpired terms in the same manner as the original
20 appointments were made.

21 (d) The commission shall (i) examine the common law and statutes of the state and
22 judicial decisions for the purpose of discovering defects and anachronisms in the law and
23 recommending needed reforms; (ii) receive and consider proposed changes in the law
24 recommended by the American Law Institute, the National Conference of Commissioners on
25 Uniform State Laws, any bar association, or other learned bodies; (iii) receive and consider
26 suggestions from judges, justices, public officials, lawyers, and the public generally as to defects
27 and anachronisms in the law; (iv) Recommend changes in the law that the commission considers
28 necessary to modify or eliminate antiquated and inequitable rules of law and to bring the law of
29 commonwealth into harmony with modern conditions; and (v) recommend the express repeal of
30 statutes repealed by implication or held unconstitutional by state and federal courts.

31 (e) The commission shall meet at least four times annually. At the close of each regular
32 session of the general court, the commission shall submit an a report of its finding and
33 recommendations, including drafts of legislation, to the clerks of the house and senate, who shall
34 forward the same to the joint committee on the judiciary. The commission may also whenever it

35 considers it appropriate submit other recommendations and legislative proposals to the joint
36 committee on the judiciary.