

# HOUSE . . . . . No. 4624

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, September 22, 2016.

The committee on the Judiciary to whom were referred the Bill relative to imitation firearms (House, No. 3476, changed); and so much of the recommendations of the State Auditor (House, No. 3) as relates to facilitating the legislative mandate of the Bureau of Special Investigations (House, No. 5); so much of the recommendations of the Inspector General (House, No. 8) as relates to fraud (House, No. 9); the petition (accompanied by bill, House, No. 1152) of James Arciero and Anthony Vacca relative to hosting or playing social card games; the petition (accompanied by bill, House, No. 1160) of Bruce J. Ayers, Thomas M. Stanley and Colleen M. Garry for legislation to authorize the Department of Highways to acquire certain land in the city of Quincy and the town of Milton by eminent domain for flood control and prevention purposes; the petition (accompanied by bill, House, No. 1183) of Garrett J. Bradley and James M. Cantwell for legislation to increase the penalties for hit and run motor vehicle accidents; the petition (accompanied by bill, House, No. 1184) of Garrett J. Bradley relative to operating a motor vehicle under the influence of inhalants; the petition (accompanied by bill, House, No. 1186) of Garrett J. Bradley relative to probate court jurisdiction regarding abuse prevention orders affecting minors; the petition (accompanied by bill, House, No. 1188) of Garrett J. Bradley relative to parole hearings for persons convicted of second degree murder; the petition (accompanied by bill, House, No. 1198) of Michael D. Brady and others for legislation to provide four additional assistant clerks in Plymouth County; the petition (accompanied by bill, House, No. 1202) of Paul Brodeur and others relative to providing protection from child enticement; the petition (accompanied by bill, House, No. 1213) of Antonio F. D. Cabral for legislation to provide that certain monies obtained from the seizure of controlled substances be used to prevent gang violence; the joint petition (accompanied by bill, House, No. 1217) of Thomas J. Calter, Viriato

Manuel deMacedo and others relative to the penalty for knowingly colliding with a snow or recreation vehicle that results in causing bodily injury resulting in death and leaving the scene of the accident; the petition (accompanied by bill, House, No. 1223) of James M. Cantwell for legislation to establish penalties for fleeing from or attempting to elude a police officer; the petition (accompanied by bill, House, No. 1226) of Evandro C. Carvalho and others for an investigation by a special commission (including members of the General Court) relative to the services and communications received by victims of violent crimes; the petition (accompanied by bill, House, No. 1227) of Evandro C. Carvalho and others relative to the process for the investigation of officer-involved deaths; the petition (accompanied by bill, House, No. 1228) of Evandro C. Carvalho and others for legislation to clarify the responsibility of law enforcement agencies to enforce federal immigration law; the petition (accompanied by bill, House, No. 1235) of Tackey Chan and others for legislation to further regulate sex offender registration; the petition (accompanied by bill, House, No. 1242) of Nick Collins, Linda Dorcena Forry and Brian M. Ashe relative to the punishment for deaths caused as the result of the injection, inhalation or ingestion of drugs; the petition (accompanied by bill, House, No. 1246) of Claire D. Cronin and others relative to rates of compensation payable to counsel; the petition (accompanied by bill, House, No. 1253) of Josh S. Cutler and others relative to the penalty for failure to stop operating a motor vehicle when being pursued by a police officer; the petition (accompanied by bill, House, No. 1255) of Michael S. Day and others relative to audio recordings and written transcripts of phone calls made to the 911 emergency system; the petition (accompanied by bill, House, No. 1273) of Lori A. Ehrlich and others relative to confining animals in a motor vehicle; the joint petition (accompanied by bill, House, No. 1274) of Lori A. Ehrlich and others for legislation to establish a penalty for the mistreatment of elephants; the joint petition (accompanied by bill, House, No. 1275) of Lori A. Ehrlich, Jason M. Lewis and others for legislation to prevent trafficking in ivory and rhino horns; the petition (accompanied by bill, House, No. 1276) of Tricia Farley-Bouvier and Michael O. Moore relative to fines for certain illegal pedestrian movement; the petition (accompanied by bill, House, No. 1279) of Robert F. Fennell and others relative to inmates or detainees awaiting trial while held in custody at a county correctional facility; the joint petition (accompanied by bill, House, No. 1285) of John V. Fernandes and others relative to the disposition of court records; the petition (accompanied by bill, House, No. 1286) of John V. Fernandes, Stephen L. DiNatale and Kevin J. Kuros relative to the employment of unauthorized workers; the joint petition (accompanied by bill, House, No. 1296) of Gloria L. Fox, Linda Dorcena Forry and Chris Walsh relative to the penalties for wantonly or recklessly leaving an unattended child in a child transportation vehicle; the petition (accompanied by bill, House, No. 1301) of Gloria L. Fox and others

relative to discrimination protections for survivors of domestic violence in fair housing opportunities; the petition (accompanied by bill, House, No. 1311) of Sean Garballey and others relative to health clubs and the use and deployment of defibrillators; the petition (accompanied by bill, House, No. 1315) of Denise C. Garlick and others relative to liability for the medical costs incurred by public health volunteer responders; the petition (accompanied by bill, House, No. 1318) of Colleen M. Garry relative to child custody when a parent is on active military duty; the petition (accompanied by bill, House, No. 1320) of Colleen M. Garry and others relative to the definition of gender identity as it applies to lawfully segregated facilities; the petition (accompanied by bill, House, No. 1331) of Colleen M. Garry relative to the reporting of a missing child; the petition (accompanied by bill, House, No. 1335) of Colleen M. Garry and others relative to preventing highway access to emergency vehicles; the petition (accompanied by bill, House, No. 1336) of Colleen M. Garry and others relative to manslaughter caused while protesting or blocking highway or roadway access; the petition (accompanied by bill, House, No. 1337) of Colleen M. Garry and others relative to the penalties for protests intentionally blocking or preventing access to a public roadway or highway; the petition (accompanied by bill, House, No. 1344) of Thomas A. Golden, Jr., and David M. Nangle relative to waiver of the annual cap on billable hours set by the Committee for Public Counsel Services; the petition (accompanied by bill, House, No. 1355) of Sheila C. Harrington, Kimberly N. Ferguson and Keiko M. Orrall for an investigation by a special commission (including members of the General Court) relative to the feasibility of organizing the Trial Court by combining efforts, resources and functions of the various court departments; the petition (accompanied by bill, House, No. 1359) of Sheila C. Harrington and others relative to amending spousal support payments by wage assignment and account garnishment; the petition (accompanied by bill, House, No. 1370) of Paul R. Heroux and others relative to prohibiting discrimination against adults with disabilities in family and juvenile court proceedings; the petition (accompanied by bill, House, No. 1387) of Randy Hunt and others relative to increasing bail fees; the petition (accompanied by bill, House, No. 1402) of Bradley H. Jones, Jr., and others relative to the crime of failing to notify law enforcement officials of a missing or deceased child; the petition (accompanied by bill, House, No. 1405) of Bradley H. Jones, Jr., and others relative to the penalties for certain crimes against public peace; the petition (accompanied by bill, House, No. 1424) of Louis L. Kafka and others relative to the deposit of certain fines into the Victims of Human Trafficking Trust Fund; the petition (accompanied by bill, House, No. 1427) of Mary S. Keefe and others for legislation to establish penalties for debarred employers, contractors and subcontractors illegally participating in contracts; the joint petition (accompanied by bill, House, No. 1428) of Mary S. Keefe and others relative to the process for the investigation of officer-involved deaths; the petition (accompanied by bill,

House, No. 1429) of Mary S. Keefe and others for legislation to increase neighborhood safety and opportunity by enhancing the enforcement and penalties for violations of the controlled substances laws; the petition (accompanied by bill, House, No. 1431) of Kay Khan and others relative to the rights of foster parents to receive notice and an opportunity to be heard in legal proceedings involving foster children; the petition (accompanied by bill, House, No. 1436) of Kay Khan and others relative to the evaluation of the frequency and outcome of contacts between juveniles of various racial and ethnic categories and law enforcement personnel, court personnel and other Commonwealth officials; the petition (accompanied by bill, House, No. 1442) of John J. Lawn, Jr., and Thomas P. Kennedy relative to certain construction contracts; the petition (accompanied by bill, House, No. 1443) of John J. Lawn, Jr., and others relative to extending the statute of limitations for incest; the petition (accompanied by bill, House, No. 1444) of John J. Lawn, Jr., and others relative governmental and charitable tort liability in civil actions for sexual abuse of a minor; the petition (accompanied by bill, House, No. 1447) of David Paul Linsky and David M. Rogers relative to the salaries and appointments of certain personnel within the offices of the district attorneys of the Commonwealth; the petition (accompanied by bill, House, No. 1448) of David Paul Linsky that the Board of Bar Overseers be prohibited from assessing an annual registration fee for attorneys who retire from the practice of law; the petition (accompanied by bill, House, No. 1449) of David Paul Linsky for legislation to establish a penalty for parents, legal guardians or caretakers failing to report the death of a minor child; the petition (accompanied by bill, House, No. 1456) of David Paul Linsky relative to the crime of larceny by overcoming a security device; the petition (accompanied by bill, House, No. 1460) of David Paul Linsky relative to intimidation in the criminal justice system; the petition (accompanied by bill, House, No. 1470) of James J. Lyons, Jr., and Shaunna L. O'Connell relative to the collection of outstanding delinquent legal fees; the petition (accompanied by bill, House, No. 1472) of James J. Lyons, Jr., and others for legislation to increase the penalties for heroin trafficking; the petition (accompanied by bill, House, No. 1477) of Brian R. Mannal and others for legislation to establish a penalty for the mistreatment of elephants; the petition (accompanied by bill, House, No. 1485) of Christopher M. Markey relative to engaging in high speed chases; the petition (accompanied by bill, House, No. 1492) of Paul McMurtry and others relative to the donations of leftover food by restaurants and cafeterias; the petition (accompanied by bill, House, No. 1505) of James M. Murphy and others relative to the penalties for impeding or disrupting a public way; the petition (accompanied by bill, House, No. 1507) of James M. Murphy relative to the penalty for failure to report certain injuries to or abuse of children; the petition (accompanied by bill, House, No. 1511) of David M. Nangle and others relative to the crime of intentionally obstructing vehicular or pedestrian traffic upon a

public way; the petition (accompanied by bill, House, No. 1514) of Harold P. Naughton, Jr., and Benjamin Swan relative to the modification of custody orders involving parents called to active military service; the joint petition (accompanied by bill, House, No. 1530) of Sarah K. Peake, William N. Brownsberger and others relative to the penalties for the crime of female genital mutilation; the petition (accompanied by bill, House, No. 1531) of Sarah K. Peake and others for legislation to update penalties and protect electronic privacy; the petition (accompanied by bill, House, No. 1532) of Alice Hanlon Peisch and others relative to the fresh and continued pursuit of motor vehicle operators by police officers outside of the jurisdiction of said officers; the petition (accompanied by bill, House, No. 1564) of John H. Rogers and others relative to child custody arrangements of military personnel; the petition (accompanied by bill, House, No. 1574) of Byron Rushing and others for legislation to adjust the credit calculated for days imprisoned for the nonpayment of a fines against amounts owed; the petition (accompanied by bill, House, No. 1575) of Byron Rushing and others for legislation to improve the collection and analysis of data relative to traffic stops; the petition (accompanied by bill, House, No. 1584) of Tom Sannicandro and others for legislation to reform pretrial processes; the petition (accompanied by bill, House, No. 1593) of John W. Scibak relative to contracts or proposed contracts for the sale or lease of consumer goods or services; the petition (accompanied by bill, House, No. 1594) of John W. Scibak and Brian M. Ashe relative to court appointed legal guardians; the petition (accompanied by bill, House, No. 1596) of Alan Silvia and others for legislation to provide legal services to small business property owners; the petition (accompanied by bill, House, No. 1603) of Theodore C. Speliotis, Leah Cole and Leonard Mirra for legislation to transfer the jurisdiction of the towns of Danvers and Middleton from the Salem District Court to the Peabody District Court; the petition (accompanied by bill, House, No. 1611) of William M. Straus relative to the fees for furnishing transcripts of notes; the petition (accompanied by bill, House, No. 1619) of Benjamin Swan and John V. Fernandes relative to requiring the video or digital recording of statements made by all parties participating in the booking process of persons arrested by state police officers; the petition (accompanied by bill, House, No. 1623) of Benjamin Swan and others for legislation to decriminalize certain non-violent demonstrations by students; the petition (accompanied by bill, House, No. 1631) of Timothy J. Toomey, Jr., relative to increases in the maximum fee charged by any person authorized to take bail; the petition (accompanied by bill, House, No. 1637) of Paul Tucker and others for legislation to allow for police body cameras; the petition (accompanied by bill, House, No. 1644) of John C. Velis relative to increasing the penalty for trespassing on state highways; the petition (accompanied by bill, House, No. 1649) of David T. Vieira and Timothy R. Whelan relative to the penalties for providing false information to public safety personnel and causing the unnecessary dispatch of

emergency personnel; the petition (accompanied by bill, House, No. 1659) of Timothy R. Whelan relative to the representation of a landlord in eviction actions; the petition (accompanied by bill, House, No. 1672) of Timothy R. Whelan and others for legislation to establish a penalty for blocking public ways and disrupting traffic; the petition (accompanied by bill, House, No. 1673) of Timothy R. Whelan and others relative to the penalties for motor vehicle operators refusing to stop for a police officer; the petition (accompanied by bill, House, No. 3254) of Paul McMurtry and others relative to providing additional funding to the Supreme Judicial Court for the administration of the judicial youth corporation program; the petition (accompanied by bill, House, No. 3435) of Claire D. Cronin and Jeffrey N. Roy relative to contributory negligence; the petition (accompanied by bill, House, No. 3438) of John V. Fernandes relative to assistant clerks of the third district court of Southern Worcester; the petition (accompanied by bill, House, No. 3443) of Kay Khan and others relative to the sealing or expunging of records of youthful offenders; the petition (accompanied by bill, House, No. 3444) of Kay Khan and others for legislation to further regulate strip searches of inmates; the petition (accompanied by bill, House, No. 3451) of David M. Rogers and others relative to prohibiting the solitary confinement of inmates 21 years of age or younger; the petition (accompanied by bill, House, No. 3453) of Walter F. Timilty and others for legislation to establish penalties for obstructing a state highway; the petition (accompanied by bill, House, No. 3454) of Timothy J. Toomey, Jr., relative to the submission and analysis of sexual assault forensic evidence; the petition (accompanied by bill, House, No. 3607) of Angelo J. Puppolo, Jr. and others relative to temporary guardianship for certain incapacitated persons; the petition (accompanied by bill, House, No. 3830) of Angelo J. Puppolo, Jr., Michael J. Finn, and others for legislation to authorize the Commonwealth to file appeals of bail decisions; and the petition (accompanied by bill, House, No. 4018) of Frank A. Moran relative to leaving animals unattended in a motor vehicles under conditions that endanger the health or well-being of said animals; reports recommending that the accompanying order (House, No. 4624) ought to be adopted.

For the committee,

JOHN V. FERNANDES.

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## The Commonwealth of Massachusetts



September 22, 2016.

1           *Ordered*, That the committee on the Judiciary be authorized to sit during a recess of the  
2   General Court to make an investigation and study of House documents numbered 5, 9, 1152,  
3   1160, 1183, 1184, 1186, 1188, 1198, 1202, 1213, 1217, 1223, 1226, 1227, 1228, 1235, 1242,  
4   1246, 1253, 1255, 1273, 1274, 1275, 1276, 1279, 1285, 1286, 1296, 1301, 1311, 1315, 1318,  
5   1320, 1331, 1335, 1336, 1337, 1344, 1355, 1359, 1370, 1387, 1402, 1405, 1424, 1427, 1428,  
6   1429, 1431, 1436, 1442, 1443, 1444, 1447, 1448, 1449, 1456, 1460, 1470, 1472, 1477, 1485,  
7   1492, 1505, 1507, 1511, 1514, 1530, 1531, 1532, 1564, 1574, 1575, 1584, 1593, 1594, 1596,  
8   1603, 1611, 1619, 1623, 1631, 1637, 1644, 1649, 1659, 1672, 1673, 3254, 3435, 3438, 3443,  
9   3444, 3451, 3453, 3454, 3476, 3607, 3830 and 4018, relative to judiciary issues.

10           Said committee shall report to the General Court the results of its investigation and study  
11   and its recommendations, if any, together with drafts of legislation necessary to carry such  
12   recommendations into effect, by filing the same with the Clerk of the House of Representatives  
13   on or before December 31, 2016.