

HOUSE No. 1706**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>1/18/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	

<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	
<i>Carlos González</i>	<i>10th Hampden</i>	

HOUSE No. 1706

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 1706) of Byron Rushing and others for legislation to establish the Massachusetts law revision commission. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2813 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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, as appearing in the 2014 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 71. (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

shall be faculty members of accredited law schools in the commonwealth and 2 shall be attorneys admitted to practice law in the commonwealth.

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

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

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

(e) The commission shall meet at least four times annually. At the close of each regular 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.