

SENATE No. 2981

Senate, December 21, 2020 -- Report of the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill relative to justice, equity and accountability in law enforcement in the Commonwealth (see Senate, No. 2963)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

1 The Committee on Bills in the Third Reading reported that the amendment recommended
by the Governor be adopted as follows:

3 Amend the bill by striking out sections 3, 5, 7-8, 12, 14, 17, 19-20, 24-25, 27-29, 31-36,
4 40, 55-56, 60-62, 66, 71, 74-76, 81-82, 88-89, 93, and 121.

5 And amend the bill by striking out section 4 and inserting in place thereof the following
6 section:-

7 SECTION 4. Chapter 6 of the General Laws, as appearing in the 2018 Official Edition,
8 is hereby amended by striking out section 116 and inserting in place thereof the following
9 section:-

10 Section 116. There shall be a municipal police training committee within the executive
11 office of public safety. Members of said committee shall be as follows: 5 chiefs of police to be
12 appointed by the governor from nominations submitted by the Massachusetts Chiefs of Police
13 Association Incorporated, 1 of whom shall be from the western Massachusetts region, 1 of whom
14 shall be from the central Massachusetts region, 1 of whom shall be from the southeastern
15 Massachusetts region, 1 of whom shall be from the northeastern Massachusetts region and 1 of
16 whom shall be from the Massachusetts Bay Transportation Authority; 1 chief of police selected
17 by the Massachusetts Chiefs of Police Association Incorporated; 1 police officer to be appointed
18 by the governor from nominations submitted by the Massachusetts Police Association, Inc.
19 executive board and the Massachusetts Police Training Officers Association, Inc. executive
20 board; 2 sheriffs to be appointed by the governor; the chair of the Massachusetts Association of
21 Minority Law Enforcement Officers, Inc.; the president of the Massachusetts Association of
22 Women in Law Enforcement, Inc.; the commissioner of police of the city of Boston; the colonel
23 of state police; the attorney general; and 1 person to be designated by the secretary of public

24 safety and security; or their respective designees. All such appointments shall be for terms of 3
25 years with their successors appointed in a like manner.

26 The following persons, or their designees, shall be advisory, nonvoting members of the
27 committee: the personnel administrator; the commissioner of correction; the commissioner of
28 youth services; the commissioner of probation; the chair of the parole board; the executive
29 director of the committee on criminal justice; the chief justice of the trial court of the
30 commonwealth; the chief justice of the district court department; the secretary of education; the
31 chair of the criminal law committee of the Massachusetts Bar Association; and the special agent
32 in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the
33 director of the bureau. The governor shall appoint 6 additional advisory, nonvoting members of
34 the committee, 1 of whom shall be an administrator of a city or town, 1 of whom shall be a clerk
35 of the superior court, 1 of whom shall be a member of the committee for public counsel services,
36 1 of whom shall be a social worker, 1 of whom shall be a mental health clinician and 1 of whom
37 shall be a district attorney of a district, or their respective designees.

38 The committee shall elect a chair annually and shall, as needed, provide nominations for
39 the selection of an executive director to the secretary of public safety and security. The secretary
40 shall select an executive director from the nominations submitted by the committee. The position
41 of executive director shall be classified in accordance with section 45 of chapter 30 and the
42 salary shall be determined in accordance with section 46C of said chapter 30.

43 The committee shall set policies and standards for the training of the following, in
44 accordance with applicable laws and regulations, including the training mandated by this chapter,
45 section 36C of chapter 40, sections 96B and 97B of chapter 41 and section 24M of chapter 90:

- 46 (i) municipal police officers and candidates for such appointment;
- 47 (ii) Massachusetts Bay Transportation Authority transit police officers, and candidates
48 for such appointment;
- 49 (iii) police officers of the department of law enforcement within the executive office of
50 environmental affairs, and candidates for such appointment;
- 51 (iv) University of Massachusetts police officers, and candidates for such appointment;
- 52 (v) Campus police officers attending committee-approved academies or training
53 programs; and
- 54 (vi) deputy sheriffs, appointed pursuant to section 3 of chapter 37, performing police
55 duties and functions.

56 The committee shall set policies and standards for the screening of all applicants for
57 admission to committee-certified academies. The committee shall set policies and standards for

58 background investigations for all persons appointed to committee-certified academies and initial
59 appointments of those persons, which investigations shall require at a minimum verification
60 against the national decertification index or the database of decertified law enforcement officers
61 maintained by the Massachusetts peace officer standards and training commission established in
62 section 2 of chapter 6E.

63 The committee and the division of police certification established in section 4 of chapter
64 6E shall jointly establish minimum certification standards for all officers, pursuant to section 4 of
65 chapter 6E.

66 The committee, and the Massachusetts peace officer standards and training commission
67 established in section 2 of chapter 6E, shall jointly promulgate rules and regulations for the use
68 of force by law enforcement officers consistent with sections 14 and 15 of chapter 6E.

69 The committee shall maintain records of training for all officers for whom the committee
70 sets policies and standards for training, issue confirmation of satisfactory completion of training,
71 and provide for extensions or waivers of training requirements for good cause and maintain
72 records of any such extension or waiver and the reason. The committee shall provide records of
73 completion of training to the Massachusetts peace officer standards and training commission
74 established in section 2 of chapter 6E.

75 The committee shall coordinate with the center for responsive training in crisis
76 intervention established pursuant to section 25 of chapter 19 on all behavioral health-related
77 training.

78 The committee shall identify training requirements and develop guidance for meeting
79 those requirements through trainings provided by the committee or other independent
80 educational entities.

81 The committee shall review and recommend to the secretary of public safety and security
82 an annual appropriation for the administration of the committee, as well as for the operations of a
83 headquarters and regional training centers, and for the delivery of standardized training at the
84 centers.

85 The committee may promulgate regulations pursuant to chapter 30A as necessary to
86 implement sections 116 to 118, inclusive.

87 And amend the bill in section 10, by striking out, in line 330, the words “committee on
88 police training and certification” and inserting in place thereof the following words:- municipal
89 police training committee.

90 And amend the bill in section 16, by striking out, in line 353, the words “committee on
91 police training and certification” and inserting in place thereof the following words:- municipal
92 police training committee.

93 And amend the bill in section 23, by striking out, in lines 395 and 396 and in lines 417
94 and 418, the words “committee on police training and certification, established in section 4 of
95 chapter 6E,” and inserting in place thereof, in each instance, the following words:- municipal
96 police training committee.

97 And further amend section 23, by striking out, in line 425, the words “committee on
98 police training and certification” and inserting in place thereof the following words:- municipal
99 police training committee.

100 And further amend section 23, by striking out, in lines 426 and 427, the words “and
101 subject to the approval of the Massachusetts peace officer standards and training commission.”.

102 And further amend section 23, by adding the following words:-

103 Section 116K. (a) The municipal police training committee shall develop and establish,
104 within its recruit basic training curriculum and its in-service training curriculum available to in-
105 service trainees, a course for police training schools, academies and programs for the training of
106 law enforcement officers on mental wellness and suicide prevention. The course, which shall
107 consist of 2 hours of total instruction annually, shall teach law enforcement officers how to: (i)
108 utilize healthy coping skills to manage the stress and trauma of policing; (ii) recognize the
109 symptoms of post-traumatic stress disorder within themselves and other officers; and (iii)
110 recognize the signs of suicidal behavior within themselves and other officers.

111 (b) The course shall include information on the mental health resources available to help
112 law enforcement officers and shall be designed to reduce and eliminate the stigma associated
113 with law enforcement officers receiving mental health services.

114 (c) The course of instruction shall be developed by the municipal police training
115 committee in consultation with appropriate groups and individuals having an interest and
116 expertise in law enforcement mental health and suicide prevention.

117 (d) All law enforcement officers shall annually attend and complete a course on mental
118 wellness and suicide prevention.

119 And amend the bill by striking out section 26, and inserting in place thereof the following
120 section:-

121 SECTION 26. Said chapter 6 is hereby further amended by adding the following section:-

122 Section 220. (a) As used in this section, the following words shall, unless the context
123 clearly requires otherwise, have the following meanings:

124 “Biometric surveillance system”, any computer software that performs facial recognition
125 or other remote biometric recognition.

126 “Facial recognition”, an automated or semi-automated process that assists in identifying
127 or verifying an individual or capturing information about an individual based on the physical
128 characteristics of an individual’s face, head or body, that uses characteristics of an individual’s
129 face, head or body to infer emotion, associations, activities or the location of an individual;
130 provided, however, that “facial recognition” shall not include the use of search terms to sort
131 images in a database.

132 “Facial recognition search”, a computer search using facial recognition to attempt to
133 identify an unidentified person by comparing an image containing the face of the unidentified
134 person to a set of images of identified persons; provided, however, that a set of images shall not
135 include moving images or video data.

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

137 “Other remote biometric recognition”, an automated or semi-automated process that
138 assists in identifying or verifying an individual or capturing information about an individual
139 based on an individual’s gait, voice or other biometric characteristic or that uses such
140 characteristics to infer emotion, associations, activities or the location of an individual; provided,
141 however, that “other remote biometric recognition” shall not include the identification or
142 verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other
143 information derived from physical contact.

144 “Public agency”, any: (i) agency, executive office, department, board, commission,
145 bureau, division or authority of the commonwealth; (ii) political subdivision thereof; or (iii)
146 authority established by the general court to serve a public purpose.

147 “Public official”, any officer, employee, agent, contractor or subcontractor of any public
148 agency.

149 (b) Any law enforcement agency performing or requesting a facial recognition search using
150 facial recognition technology shall only do so through a written request submitted to the registrar
151 of motor vehicles, the department of state police or the Federal Bureau of Investigation. A law
152 enforcement agency may perform such a facial recognition search for the following purposes: (i)
153 to execute an order, issued by a court or justice authorized to issue warrants in criminal cases,
154 based upon specific and articulable facts and reasonable inferences therefrom that provide
155 reasonable grounds to believe that the information sought would be relevant and material to an
156 ongoing criminal investigation or to mitigate a substantial risk of harm to any individual or group
157 of people; or (ii) without an order to identify a deceased person or if the law enforcement agency
158 reasonably believes that an emergency involving substantial risk of harm to any individual or
159 group of people requires the performance of a facial recognition search without delay. Any
160 emergency request shall be narrowly tailored to address the emergency and shall document the

161 factual basis for believing that an emergency requires the performance of a facial recognition
162 search without delay.

163 This subsection shall not apply to the department of state police when performing
164 investigatory functions related to the issuance of identification documents by the registrar of
165 motor vehicles.

166 (c) Law enforcement agencies shall document each facial recognition search performed
167 and shall provide such documentation quarterly to the executive office of public safety and
168 security. Such documentation shall include: (i) a copy of any written request made for a facial
169 recognition search; (ii) the date and time of the request; (iii) the number of matches returned, if
170 any; (iv) the database searched; (v) the name and position of the requesting individual and
171 employing law enforcement agency; (vi) the reason for the request, including, but not limited to,
172 any underlying suspected crime; (vii) the entity to which the request was submitted; and (viii)
173 data detailing the individual characteristics included in the facial recognition request. Such
174 documentation shall not be a public record, except for as provided for in (d).

175 (d) Annually, not later than September 1, the executive office of public safety and
176 security shall publish on its website documentation received from law enforcement agencies
177 under subsection (c) and the following data for the previous calendar year: (i) the total number of
178 facial recognition search requests made by other law enforcement agencies to the department of
179 state police, disaggregated by law enforcement agency; (ii) the total number of facial recognition
180 searches performed by the department of state police, disaggregated by law enforcement agency
181 on whose behalf the search was performed; (iii) the total number of facial recognition searches
182 requested and performed by the state police; (iv) the total number of facial recognition search
183 requests made by the department of state police to the Federal Bureau of Investigation,
184 disaggregated by law enforcement agency on whose behalf the requests were made; and (v) the
185 total number of facial recognition searches performed by the Federal Bureau of Investigation on
186 behalf of Massachusetts law enforcement agencies, disaggregated by law enforcement agency on
187 whose behalf the search was performed. For each category of data and each law enforcement
188 agency, the published information shall specify the number of requests made or searches
189 performed pursuant to a court order, the number of emergency requests made or searches
190 performed, and the reason for requested the search, including, but not limited to, any underlying
191 suspected crime.

192 (e) Notwithstanding subsection (b), a law enforcement agency may: (i) acquire and
193 possess personal electronic devices, such as a cell phone or tablet, that utilizes facial recognition
194 technology for the sole purpose of user authentication; (ii) acquire, possess and use automated
195 video or image redaction software; provided, that such software does not have the capability of
196 performing facial recognition or other remote biometric recognition; and (iii) receive evidence
197 related to the investigation of a crime derived from a biometric surveillance system; provided,

198 that the use of a biometric surveillance system was not knowingly solicited by or obtained with
199 the assistance of a public agency or any public official in violation of said subsection (b).

200 And amend the bill in section 30, by inserting after the words “professional level.”, in
201 line 531, the following sentence:- This definition shall include policing decisions made by or
202 conduct of law enforcement officers that: (1) are based on a law enforcement purpose or reason
203 which is non-discriminatory, or which justifies different treatment; or (2) consider a person’s
204 race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability,
205 immigration status or socioeconomic or professional level because such factors are an element of
206 a crime.

207 And further amend section 30, by striking out, in lines 540 and 541, the definition of
208 “Committee”.

209 And further amend section 30 by striking out the sentence in lines 560 & 561, and
210 inserting in place thereof the following sentence:-

211 “Division of certification”, the division of police certification established pursuant to
212 section 4.

213 And further amend section 30 by striking out, in lines 564 through 568, the definition of
214 “Imminent harm.”

215 And further amend section 30 by striking out, in lines 583 and 584, the definition of
216 “Necessary.”

217 And further amend section 30 by striking out, in lines 600 through 605, the definitions of
218 “Totality of the circumstances” and “Training director.”

219 And further amend section 30 by inserting after the words “the rank of sergeant”, in line
220 616, the following words:- who is a labor union representative appointed from a list of 3
221 nominations submitted by the Chair of the Massachusetts Law Enforcement Policy Group.

222 And further amend section 30 by inserting after the words “(2) establish”, in line 710, the
223 following words:- “, jointly with the municipal police training committee established in section
224 116 of chapter 6,”.

225 And further amend section 30 by inserting after the words “(6) establish”, in line 716, the
226 following words:- “, in consultation with the municipal police training committee established in
227 section 116 of chapter 6,”.

228 And further amend section 30 by striking out, in lines 787, 788, and 789, the words
229 “training and”.

230 And further amend section 30 by striking out, in lines 790 and 791, the words “including
231 a basic recruit training curriculum and an in-service training curriculum for law enforcement
232 officers”.

233 And further amend section 30 by striking out, in lines 791 through 793, the sentence “The
234 head of the division shall be the training director, who shall be appointed by the committee on
235 police training and certification.”, and inserting in place thereof the following sentence:- The
236 head of the division shall be the certification director, who shall be appointed by the commission.

237 And further amend section 30 by striking out lines 794 through 829.

238 And further amend section 30 by striking out, in line 830, the words “committee-
239 certified”.

240 And further amend section 30 by inserting after the words “police schools, programs or
241 academies”, in lines 830 and 831, the following words:- approved by the municipal police
242 training committee pursuant to section 118 of chapter 6, or the training programs prescribed by
243 chapter 22C,.

244 And further amend section 30 by striking out, in lines 834 through 838, the sentence “The
245 committee, subject to the approval of the commission, shall set policies and standards for the
246 screening of all applicants for admission to committee-certified academies and shall set policies
247 and standards for the screening for all applicants for certification and recertification as law
248 enforcement officers, including, but not limited to, standards on background investigations for all
249 applicants.”

250 And further amend section 30 by striking out lines 839 through 846.

251 And further amend section 30 by striking out, in lines 847 and 848, the words “The
252 committee shall, subject to the approval of the commission,”, and inserting in place thereof the
253 following words:- The division of police certification and the municipal police training
254 committee established in section 116 of chapter 6 shall jointly.

255 And further amend section 30 by striking out, in lines 850 and 851, the words “designed
256 by the committee and approved by the commission”, and inserting in place thereof the following
257 words:- approved by the municipal police training committee.

258 And further amend section 30 by striking out, in line 857, the words “administered by the
259 committee and”.

260 And further amend section 30 by inserting after the words “oral interview”, in line 859,
261 the following words:- administered by the commission.

262 And further amend section 30 by striking out, in line 876, the word “committee”, and
263 inserting in place thereof the following words:- division of police certification.

264 And further amend section 30 by inserting after the words “of said trainings”, in line 882,
265 the following words:- , as provided by the municipal police training committee established in
266 section 116 of chapter 6, and the department of state police.

267 And further amend section 30 by striking out, in line 901, the word “committee”, and
268 inserting in place thereof the following words:- division of police certification.

269 And further amend section 30 by striking out, in line 905, the word “committee,”, and
270 inserting in place thereof the following words:- division of police certification in consultation
271 with the municipal police training committee established in section 116 of chapter 6, and.

272 And further amend section 30 by striking out lines 914 through 948.

273 And further amend section 30 by striking out, in two instances in line 1149, the word
274 “committee”, and, in each instance, inserting in place thereof the following word:- commission.

275 And further amend section 30 by inserting after the figure “(h)” in line 1152 the
276 following words:- An appointing agency shall complete an internal affairs investigation into
277 officer misconduct and issue a final disposition within one year of receiving a complaint or
278 notice from the commission of the complaint being filed. The commission may, upon a showing
279 of good cause, extend the time to complete the investigation.

280 And further amend section 30 by inserting after the words “shall suspend the hearing”, in
281 line 1156, the following words:- . Any such suspension of the hearing shall not exceed 1 year
282 from the officer’s notice to the commission; provided, however, that at any time during which
283 the hearing is so suspended and upon a showing of good cause by the officer, the commission
284 shall further suspend the hearing for a period of not less than 6 months and not more than the
285 commission determines is reasonable.

286 And further amend chapter 30 by striking, in lines 1189 and 1190, the words “by the
287 committee on police training and certification” and inserting in place thereof the following
288 words:- jointly by the commission and the municipal police training committee.

289 And further amend section 30 by striking out, in lines 1237 and 1238, the words “The
290 committee on police training and certification shall promulgate rules and regulations, subject to
291 the approval of the commission, for the administration and enforcement of” and inserting in
292 place thereof the following word:- The commission and the municipal police training committee
293 established pursuant to section 116 of chapter 6 shall jointly promulgate rules and regulations for
294 the use of force by law enforcement officers consistent with.

295 And further amend section 54 by striking out, in line 1489, the word, “referred,” and
296 inserting in place thereof the following word:- preferred.

297 And amend the bill in section 57 by striking out, in line 1558 and 1559, the words
298 “Promotional examinations shall be open to a uniformed member who is a: (i) noncommissioned
299 officer” and inserting in place thereof the following words:- Promotional examinations for: (i)
300 the title of noncommissioned officer shall be open to a uniformed member.

301 And further amend section 57 by striking out, in line 1562, the word “lieutenant” and
302 inserting in place there of the following words:- the title of lieutenant shall be open to a
303 uniformed member.

304 And further amend section 57 by striking out, in line 1565, the words “a captain” and
305 inserting in place there of the following words:- the title of captain shall be open to a uniformed
306 member.

307 And further amend section 57 by striking out, in line 1569, the words “noncommissioned
308 officer” and inserting in place thereof the following words:- uniformed member.

309 And further amend section 57 by striking out, in line 1571, the words “such promotion”
310 and inserting in place thereof the following words:- promotion to the title of noncommissioned
311 officer.

312 And further amend section 57 by striking out, in line 1573, the word “lieutenant” and
313 inserting in place thereof the following words:- uniformed member.

314 And further amend section 57 by striking out, in line 1575, the words “such promotion”
315 and inserting in place thereof the following words:- promotion to the title of lieutenant.

316 And further amend section 57 by striking out, in line 1577, the word “captain” and
317 inserting in place thereof the following words:- uniformed member.

318

319 And further amend section 57 by striking out, in line 1579, the words “such promotion”
320 and inserting in place thereof the following words:- promotion to the title of captain.

321 And amend the bill in section 63 by striking out, in line 1619, the words “and training”.

322 And amend the bill in section 64 by striking out, in line 1624, the words “training and”.

323 And amend the bill in section 65 by striking out, in line 1632, the words “training and”.

324 And amend the bill in section 79 by striking out, in lines 1764 through 1766, the words
325 “the training director of the committee on police training and certification established in section
326 4 of chapter 6E or a designee” and inserting in place thereof the following words:- the executive
327 director of the municipal police training committee established in section 116 of chapter 6 or a

328 designee; the certification director of the division of police certification established in section 4
329 of chapter 6E or a designee.

330 And amend the bill in section 79 by striking out, in lines 1795 and 1796, the words
331 “Massachusetts peace officer standards and training commission established in section 2 of
332 chapter 6E” and inserting in place thereof the following words:- municipal police training
333 committee established in section 116 of chapter 6.

334 And amend the bill in section 84 by striking out, in lines 1934 and 1935, the words
335 “committee on police training and certification established in said chapter 6E” and inserting in
336 place thereof the following words:- municipal police training committee established in section
337 116 of chapter 6.

338 And amend the bill in section 94 by inserting after the word “home”, in line 2052, the
339 following words:- “, unless there is a credible risk of imminent harm to the minor or adult over
340 the age of 65 in the home.

341 And amend the bill in section 99 by striking out, in line 2110, the word “June” and
342 inserting in place thereof the following word:- September.

343 And amend the bill in section 102 by inserting after the words “effective date of this
344 section.”, in line 2143, the following words:- Notwithstanding section 4 of chapter 6E of the
345 General Laws or the preceding sentence, a law enforcement officer, as defined in section 1 of
346 said chapter 6E, who has completed an academy or training program certified by the municipal
347 police training committee or the training programs prescribed by chapter 22C of the General
348 Laws on or before December 1, 2021, and is appointed as a law enforcement officer as of
349 December 1, 2021, shall be certified as of the effective date of this section.

350 And further amend section 102 by striking out, in line 2147, the words “Massachusetts
351 peace officer standards and training commission” and inserting in place thereof the following
352 words:- municipal police training committee.

353 And further amend section 102 by striking out, in lines 2152, 2160, and 2162, the words
354 “committee on police training and certification” and inserting in place thereof in each instance
355 the following words:- municipal police training committee.

356 And amend the bill in section 103 by striking out, in line 2191, the words “of the Boston
357 branch”.

358 And amend the bill in section 104 by striking out, in line 2253, the words “of the Boston
359 branch”.

360 And amend the bill by striking out section 105, and inserting in place thereof the
361 following section:-

362 SECTION 105. (a) Notwithstanding any special or general law to the contrary, there shall
363 be a special legislative commission established pursuant to section 2A of chapter 4 of the
364 General Laws to conduct a study on government use of facial recognition technology in the
365 commonwealth.

366 The commission shall consist of 22 members: 2 of whom shall be the chairs of the joint
367 committee on the judiciary or their designees, who shall serve as co-chairs; 3 of whom shall be
368 appointed by the president of the senate; 3 of whom shall be appointed by the speaker of the
369 house of representatives; 1 of whom shall be the minority leader of the house of representatives
370 or a designee; 1 of whom shall be the minority leader of the senate or a designee; 1 of whom
371 shall be the chief justice of the supreme judicial court or a designee; 1 of whom shall be the
372 attorney general or a designee; 1 of whom shall be the secretary of public safety and security or a
373 designee; 1 of whom shall be the registrar of motor vehicles or a designee; 1 of whom shall be
374 the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a
375 designee; 1 of whom shall be the chief counsel for the committee for public counsel services or a
376 designee; 1 of whom shall be the president of the National Association for the Advancement of
377 Colored People New England Area Conference or a designee; 1 of whom shall be the chief legal
378 counsel for the Massachusetts Bar Association or a designee; 1 of whom shall be the colonel of
379 state police or a designee; 1 of whom shall be the president of the Massachusetts District
380 Attorneys Association or a designee; 1 of whom shall be the president of the Massachusetts
381 Chiefs of Police Association Incorporated or a designee; 1 of whom shall be an academic expert
382 in: (i) data science, artificial intelligence and machine learning; (ii) social implications of
383 artificial intelligence and technology; or (iii) information policy, technology and the law, to be
384 appointed by the governor.

385 The commission shall evaluate government use of facial recognition technology in the
386 commonwealth and make recommendations to the legislature regarding appropriate regulations,
387 limits, standards and safeguards. The commission shall:

388 (i) survey current government uses of facial recognition technology in the
389 commonwealth;

390 (ii) consult with academic experts in the fields of machine learning, algorithmic bias,
391 criminal law, and human rights;

392 (iii) examine research regarding the ability of facial recognition technology to accurately
393 identify people of different races, genders and ages;

394 (iv) examine and evaluate the facial recognition system operated by the registry of motor
395 vehicles, make recommendations for regular independent bias testing and propose standards to
396 ensure accuracy and equity of the system based on age, race, gender and religion;

397 (v) examine access to the facial recognition system operated by the registry of motor
398 vehicles and the management of information derived from it, including, but not limited to, data
399 retention, data sharing and audit trails;

400 (vi) evaluate current access by federal agencies to databases maintained by the
401 commonwealth that catalogue images of faces and examine which agencies have such access,
402 and the authorization for, and terms of, such access;

403 (vii) evaluate a requirement for law enforcement agencies to obtain a probable cause
404 warrant prior to performing facial recognition searches, including the merits of requiring
405 enhanced standards to perform a search similar to those set forth in section 99 of chapter 272 of
406 the General Laws;

407 (viii) examine whether, and under what circumstances, it is appropriate for law
408 enforcement agencies to perform facial recognition searches without a warrant, and make
409 recommendations for safeguards regarding due process, accountability, oversight, documentation
410 and transparency for any such searches;

411 (ix) provide recommendations for any necessary due process protections for criminal
412 defendants when facial recognition technology is used in a criminal investigation;

413 (x) provide recommendations to ensure privacy for the public, including, but not limited
414 to, the use of facial recognition to conduct surveillance of people in public spaces; and

415 (xi) provide recommendations for adequate training and oversight on the use of facial
416 recognition technology.

417 For the purposes of this section, “facial recognition” shall mean an automated or semi-
418 automated process that assists in identifying or verifying an individual or capturing information
419 about an individual based on the physical characteristics of an individual’s face, head or body,
420 that uses characteristics of an individual’s face, head or body to infer emotion, associations,
421 activities or the location of an individual; provided, however, that “facial recognition” shall not
422 include the use of search terms to sort images in a database.

423 (b) The executive office of public safety and security shall, at the request of the
424 commission, provide to the commission timely access to all information to be published in the
425 annual report pursuant to subsection (d) of section 220 of chapter 6 of the General Laws.

426 (c) The commission shall convene beginning not later than February 15, 2021 and shall
427 submit its findings and recommendations, including any proposed legislation, relative to the use
428 of facial recognition technology by filing the same with the clerks of the house of representatives
429 and senate and the governor not later than December 31, 2021.

430 And amend the bill in section 107 by striking out, in line 2395, the words “of the Boston
431 branch”.

432 And amend the bill in section 108 by striking out, in line 2477, the words “of the Boston
433 branch”.

434 And amend the bill in section 111 by striking out, in line 2560, the words “of the Boston
435 branch”.

436 And amend the bill in section 112 by striking out, in line 2588, the words “of the Boston
437 branch”.

438 And amend the bill in section 115 by striking out, in lines 2619 and 2620, the words
439 “committee on police training and certification, established in section 4 of chapter 6E of the
440 General Laws,” and inserting in place thereof the following words:- municipal police training
441 committee.

442 And further amend section 115 by striking out, in lines 2624 and 2625, the words
443 “committee on police training and certification” and inserting in place thereof the following
444 words:- municipal police training committee.

445 And amend the bill in section 116 by striking out, in lines 2647 and 2648, the words “of
446 the Boston branch”.

447 And amend the bill in section 118 by striking out, in line 2708, the words “committee on
448 police training and certification” and inserting in place thereof the following words:- municipal
449 police training committee.

450 And further amend section 118 by inserting after the words “assistance. The”, in line
451 2715, the following words:- municipal police training.

452 And amend the bill in section 119 by striking out, in line 2718, the words “committee on
453 police training and certification” and inserting in place thereof the following words:-
454 Massachusetts peace officer standards and training commission established in section 2 of
455 chapter 6E.

456 And amend the bill by striking sections 122 and 123 and inserting in place thereof the
457 following 3 sections:-

458 SECTION 122. Sections 1, 4, 6, 9, 18, 26, 30, 37 to 39, inclusive, 67 to 70, inclusive, 73,
459 80, 84 to 86, inclusive, and 102 shall take effect on July 1, 2021.

460 SECTION 123. Subsection (d) of section 15 of chapter 6E shall take effect on September
461 1, 2021.

462 SECTION 124. Subsection (a) of section 14 of chapter 6E shall take effect on December
463 1, 2021.