SENATE DOCKET, NO. 294 FILED ON: 1/27/2021

SENATE . . . . . No. 1612

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 a standing commission on operating under the influence and impaired driving.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	*Second Worcester*	
Steven G. Xiarhos	*5th Barnstable*	*10/14/2021*

SENATE DOCKET, NO. 294 FILED ON: 1/27/2021

SENATE . . . . . No. 1612

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1612) of Michael O. Moore for legislation to establish a standing commission on operating under the influence and impaired driving. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1439* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act establishing a standing commission on operating under the influence and impaired driving.

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

There shall be a special commission on operating under the influence and impaired driving established pursuant to section 2A of chapter 4 of the General Laws, referred to in this section as the commission. The commission shall meet at least quarterly and shall review all aspects of law enforcement personnel ability to properly test impaired operators and prevent impaired operation of motor vehicles and make any recommendations for improvements or changes that the commission determines are necessary.

The commission shall consist of 13 members as follows: the secretary of public safety and security or a designee, who shall serve as chair of the commission; the attorney general or a designee; the colonel of the state police or a designee; the executive director of the

Massachusetts cannabis control commission or a designee; the president of Massachusetts Chiefs of Police Association Incorporated or a designee; the president of the Massachusetts District Attorney's Association or a designee; the president of the Massachusetts Bar Association or a designee; the president of the American Civil Liberties Union of Massachusetts, Inc. or a designee; the chief executive officer of the AAA Southern New England or a designee, the president of the NAACP New England Area Conference or a designee, the president of the Massachusetts Medical Society or a designee; 1 person appointed by the secretary of health and human services who shall have medical and physiological expertise; and 1 person appointed by the governor who shall be a member of the public with expertise in scientific research on or technological development in testing capabilities of these substances. A majority of the members of the commission present and voting shall constitute a quorum. Members of the commission shall serve without compensation.

The commission shall study (i) scientific types of testing and data; (ii) medical types of testing and data; (iii) possible new technological forms of testing; (iv) civil liberties of the operator; (v) social economic aspects of the testing; (vi) admissibility of evidence of impaired driving in court proceedings; (vii) burden on law enforcement; (viii) the current status of law within the commonwealth; (ix) training of law enforcement, including the cost of such training; (x) intrusiveness of tests; (xi) cost analysis of testing; (xii) the current threshold for determining impairment; (xiii) the rate of success in stopping impaired operators; and (xiv) anything else the commission deems necessary or significant. The commission may, subject to appropriation, incur such expenses as may be necessary to the execution of duties invested in it.

On or before January 1, biannually, the commission submit a report of its findings and any recommendations for legislation to the governor, the house and senate chairs of the joint

committee on the judiciary, the house and senate chairs of the joint committee on public safety and homeland security, the clerks of the house of representatives and the senate, and the chief justice of the trial court; provided, however, that the commission may submit additional periodic reports as, in its discretion, it determines to be necessary. The first biennial report of the commission shall be submitted not later than January 1, 2023.