

SENATE No. 3089

Senate, July 30, 2022 -- Text of the Senate amendment to on the residue of the House Bill to improve and modernize the information technology systems and capacities of the judiciary (being the text of Senate, No. 3087, printed as amended)

The Commonwealth of Massachusetts

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

1 SECTION 1. To provide for a program to improve and modernize the information
2 technology infrastructure of the supreme judicial court, appeals court, trial court and departments
3 of the trial court of the commonwealth, the sums set forth in this act, for the several purposes and
4 subject to the conditions specified in this act, are hereby made available, subject to the laws
5 regulating the disbursement of public funds; provided, however, that the amounts specified in an
6 item or for a particular project may be adjusted in order to facilitate projects authorized in this
7 act. The sums made available in this act shall be in addition to any amounts previously made
8 available for these purposes.

9 SECTION 2.

10 JUDICIARY

11 0330-6000 For costs associated with establishing digital courthouses and courtrooms;
12 provided, that projects funded in this item shall include an access to justice portal to enable
13 electronic file storage and electronic access to case information by court users; provided further,
14 that projects funded in this item shall include a remote video interpreting system; provided
15 further, that projects funded in this item shall include a content management system to manage

electronically filed documents, forms and evidence with a workflow engine to manage court operations and enable system wide real-time docketing and data access; provided further, that projects funded in this item shall include wireless internet access in courthouses for court staff and court users; provided further, that projects funded in this item shall include digital signage in all courthouses; provided further, that projects funded in this item shall include the costs associated with planning for the replacement of a case management system for the trial court of the commonwealth; provided further, that projects funded in this item shall include replacement of the appellate court case management system; provided further, that projects funded in this item shall include a supreme judicial court digital reporting system that permits self-publishing for the supreme judicial court and appeals court; and provided further, that projects funded in this item shall be funded in consultation, as applicable, with the secretary of technology services and security.....\$94,000,000

SECTION 2A.

JUDICIARY

0330-6001 For costs associated with establishing a modern and secure judiciary; provided, that projects funded in this item shall include costs associated with establishing a digital security system to protect court systems, networks and data; provided further, that projects funded in this item shall include court system-wide replacement of physical security hardware, which shall include, but not be limited to, video surveillance systems, duress systems, security scanning systems and inter-personnel communications equipment; provided further, that funds in this item shall be expended for projects to support the safety of victims and witnesses while in court-system facilities; provided further, that projects funded in this item shall include

centralized law enforcement communication systems; and provided further, that projects funded in this item shall be funded in consultation, as applicable, with the secretary of technology services and security.....\$35,000,000

SECTION 2B.

JUDICIARY

0330-6002 For costs associated with the technological modernization of court administrative operations; provided, that projects funded in this item shall include court system-wide secure voice over internet protocol phone systems; provided further, that projects funded in this item shall include an energy management system; provided further, that projects funded in this item shall include a data storage system of sufficient capacity to meet the needs of the court system; provided further, that projects funded in this item shall include costs associated with enterprise resource planning; provided further, that projects funded in this item shall include costs associated with establishing a virtual private network to enable court employee remote access to court systems and data; provided further, that projects funded in this item shall include costs associated with increased bandwidth capacity in all court locations to accommodate a digital court system; and provided further, that projects funded in this item shall be funded in consultation, as applicable, with the secretary of technology services and security....\$35,000,000

SECTION 3. Section 9B of chapter 4 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following sentence:- Electronically imprinting the established seal of a court in a form authorized by the supreme judicial court, appeals court, the trial court or any department of the trial court of the commonwealth shall be taken and held to be the seal of such court.

SECTION 4. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 to 8, inclusive, the words “, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority considers proper”.

SECTION 5. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 10 to 17, inclusive, the words “; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it considers proper. A violation of a restriction imposed by the licensing authority under this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that section 10 of chapter 269 shall not apply to a violation of this paragraph.”

SECTION 6. Said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word “of”, in lines 55, 256 and 364, in each instance, the following words: - the department of.

SECTION 7. Subsection (d) of said section 131 of said chapter 140, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: -

A person residing or having a place of business within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority or the colonel of state police an application for a license to carry firearms,

or renewal of the same, which the licensing authority or the colonel shall issue if it appears that the applicant is neither a prohibited person nor determined to be unsuitable to be issued a license as set forth in this section.

SECTION 8. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in line 137, the words “or (C)” and inserting in place thereof the following words: - (C) a permanent or temporary harassment prevention order issued pursuant to chapter 258E or a similar order issued by another jurisdiction; or (D).

SECTION 9. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in line 147, the word “may” and inserting in place thereof the following word:- shall.

SECTION 10. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 149 and 150 the words “, in a reasonable exercise of discretion, the licensing authority determines that”.

SECTION 11. Said section 131 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 152 to 157, inclusive, the words “: (i) reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety” and inserting in place thereof the following words: - reliable, articulable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety or a risk of danger to self or others.

104 SECTION 12. Said section 131 of said chapter 140, as so appearing, is hereby further
105 amended by striking out, in line 225, the word “may” and inserting in place thereof the following
106 word:- shall.

107 SECTION 13. Said section 131 of said chapter 140, as so appearing, is hereby further
108 amended by striking out, in lines 239 and 240 the words “, suspension or restriction placed on”
109 and inserting in place thereof the following words:- or suspension of.

110 SECTION 14. Said section 131 of said chapter 140, as so appearing, is hereby further
111 amended by striking out, in lines 244 to 246, inclusive, the words “or, in the case of a restriction,
112 any time after a restriction is placed on the license pursuant to this section”.

113 SECTION 15. Said section 131 of said chapter 140, as so appearing, is hereby further
114 amended by striking out, in line 250, the words “, revoking or restricting” and inserting in place
115 thereof the following words:- or revoking.

116 SECTION 16. Said section 131 of said chapter 140, as so appearing, is hereby further
117 amended by striking out, in lines 253 and 254 the words “or may order the licensing authority to
118 remove certain restrictions placed on the license”.

119 SECTION 17. Said section 131 of said chapter 140, as so appearing, is hereby further
120 amended by striking out, in lines 266 and 267, 348, 360 and 361, 409 and 410, and 424, each
121 time they appear, the words “executive director of the criminal history systems board” and
122 inserting in place thereof the following words:- commissioner of the department of criminal
123 justice information services.

124 SECTION 18. Said section 131F of said chapter 140, as so appearing, is hereby further
125 amended by striking out, in line 2, the word “may” and inserting in place thereof the following
126 word:- shall.

127 SECTION 19. Said section 131F of said chapter 140, as so appearing, is hereby further
128 amended by striking out, in lines 6 to 8, inclusive, the words “and subject to such terms and
129 conditions as said colonel may deem proper; provided, however, that no license shall be issued to
130 a person who” and inserting in place thereof the following words:- if it appears that the applicant
131 is not a prohibited person and is not determined unsuitable to be issued a license as set forth in
132 section 131.

133 SECTION 20. The first paragraph of said section 131F of said chapter 140, as so
134 appearing, is hereby amended by striking out clauses (i) to (x), inclusive.

135 SECTION 21. Said section 131F of said chapter 140, as so appearing, is hereby further
136 amended by striking out, in line 55, the words “, if in his discretion,” and inserting in place
137 thereof the following word: - if.

138 SECTION 22. Said section 131F of said chapter 140, as so appearing, is hereby further
139 amended by striking out, in lines 57 and 58 the words “, subject to such terms and conditions as
140 he deems proper,” and inserting in place thereof the following words: - in accordance with the
141 provisions of section 131.

142 SECTION 23. Section 7 of chapter 185 of the General Laws, as so appearing, is hereby
143 amended by inserting after the word “court”, in line 7, the following words:- , or may be
144 electronically maintained by the recorder’s office.

145 SECTION 24. Said chapter 185 is hereby further amended by striking out section 9, as so
146 appearing, and inserting in place thereof the following section:-

147 Section 9. An authorized facsimile or electronic rendering of the recorder's signature on
148 any court records, orders, decisions, documents or legal papers, or copies thereof, or upon any
149 writ, summons, order of notice, order of attachment or execution shall have the same validity as
150 a written signature of the recorder.

151 SECTION 25. Section 6 of chapter 185C of the General Laws, as so appearing, is hereby
152 amended by inserting after the word "affixed", in lines 2 and 3, the following words:- or
153 electronically imprinted.

154 SECTION 26. Section 14 of said chapter 185C, as so appearing, is hereby amended by
155 inserting after the word "papers", in line 5, the following words:- , whether in physical or
156 electronic form,.

157 SECTION 27. Said section 14 of said chapter 185C, as so appearing, is hereby further
158 amended by inserting after the word "thereof", in line 17, the following words:- , whether in
159 physical or electronic form,.

160 SECTION 28. Said section 14 of said chapter 185C, as so appearing, is hereby further
161 amended by inserting after the word "facsimile", in line 20, the following words:- or electronic
162 rendering.

163 SECTION 29. Said section 14 of said chapter 185C, as so appearing, is hereby further
164 amended by striking out, in line 21, the word "facsimile".

165 SECTION 30. Section 22 of said chapter 185C, as so appearing, is hereby amended by
166 inserting after the word “docket”, in line 4, the following words:- , including the electronic
167 docket.

168 SECTION 31. Section 3A of chapter 212 of the General Laws, as so appearing, is hereby
169 amended by inserting after the word “signed”, in line 4, the following words:- , by hand or by
170 electronic means,.

171 SECTION 32. Section 26 of said chapter 212, as so appearing, is hereby amended by
172 striking out the first sentence and inserting in place thereof the following sentence:- The records
173 of courts, including electronic records, which are transferred to the superior court shall remain in
174 custody of the clerks, whether in physical or electronic form.

175 SECTION 33. Said section 26 of said chapter 212, as so appearing, is hereby further
176 amended by inserting after the word “seal”, in line 8, the following words:- , which may be
177 electronically imprinted,.

178 SECTION 34. Section 36 of chapter 215 of the General Laws, as so appearing, is hereby
179 amended by striking out, in line 6, the words “books kept therefor” and inserting in place thereof
180 the following words:- books or electronically.

181 SECTION 35. Said section 36 of said chapter 215, as so appearing, is hereby further
182 amended by inserting after the word “process”, in line 16, the following words:- or
183 electronically.

184 SECTION 36. Section 53 of said chapter 215, as so appearing, is hereby amended by
185 inserting after the word “documents”, in line 4, the following words:- , whether in physical or
186 electronic form,.

187 SECTION 37. Section 15 of chapter 217 of the General Laws, as so appearing, is hereby
188 amended by inserting after the word “papers”, in line 2, the following words:- , whether in
189 physical or electronic form,.

190 SECTION 38. Section 26 of said chapter 217, as so appearing, is hereby amended by
191 inserting after the word “signing”, in line 1, the following words:- or electronic rendering.

192 SECTION 39. Section 2A of chapter 218 of the General Laws, as so appearing, is hereby
193 amended by inserting after the word “papers”, in line 6, the following words:- , whether in
194 physical or electronic form,.

195 SECTION 40. Section 12 of said chapter 218, as so appearing, is hereby amended by
196 inserting after the word “papers”, in line 10, the following words:- , whether in physical or
197 electronic form,.

198 SECTION 41. Section 13 of said chapter 218, as so appearing, is hereby amended by
199 inserting after the word “kept”, in line 3, the following words:- in the trial court electronic
200 document management system or.

201 SECTION 42. Section 14 of said chapter 218, as so appearing, is hereby amended by
202 inserting after the word “facsimile”, in lines 7 and 12, in each instance, the following words:- or
203 electronic rendering.

204 SECTION 43. Said section 14 of said chapter 218, as so appearing, is hereby further
205 amended by striking out, in line 8, the word “facsimile”.

206 SECTION 44. Said section 14 of said chapter 218, as so appearing, is hereby further
207 amended by striking out the words “Said facsimile”, in line 13, and inserting in place thereof the
208 following word:- Such.

209 SECTION 45. Section 44 of said chapter 218, as so appearing, is hereby amended by
210 inserting after the word “signed”, in line 2, the following words:- by hand or electronically.

211 SECTION 46. Section 14 of chapter 221 of the General Laws, as so appearing, is hereby
212 amended by inserting after the word “papers”, in line 4, the following words:- , whether in
213 physical or electronic form,.

214 SECTION 47. Section 17 of said chapter 221, as so appearing, is hereby amended by
215 striking out the word “A”, in line 1, and inserting in place thereof the following words:- An
216 authorized electronic rendering or a.

217 SECTION 48. Section 20 of chapter 223 of the General Laws, as so appearing, is hereby
218 amended by inserting after the word “signed”, in line 2, the following words:- , by hand or by
219 electronic means.

220 SECTION 48A. Section 20J of chapter 233 of the General Laws, as so appearing, is
221 hereby amended by inserting after the word “worker”, in line 10, the following words:- , licensed
222 mental health counselor.

SECTION 49. Section 6 of chapter 248 of the General Laws, as so appearing, is hereby amended by inserting after the word “signed”, in line 2, the following words:- , by hand or electronically,.

SECTION 49A. Section 2A of chapter 276 of the General Laws, as so appearing, is hereby amended by inserting before the first sentence the following sentence:- The signature on the warrant may be made by electronic signature.

SECTION 49B. Section 2B of said chapter 276, as so appearing, is hereby amended by inserting after the word “personally”, in lines 1 and 2 and 38, in each instance, the following words:- or through wire or electronic means.

SECTION 49C. Said section 2B of said chapter 276, as so appearing, is hereby further amended by inserting after the word “form”, in line 13, the following words:- and the signature therein be made by electronic signature.

SECTION 50. Notwithstanding any general or special law to the contrary, for cases that are electronically filed in any state court in the commonwealth, any statutory requirement of a written signature on a document to be filed or any statutory requirement of a written signature in communications between the court and a party shall be satisfied if the document includes a signature in a form authorized by the supreme judicial court, the appeals court, the trial court of the commonwealth or any department of the trial court.

SECTION 51. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor, but not exceeding in the aggregate \$94,000,000. All such bonds issued by the commonwealth shall be designated on their face, Judiciary Information

Technology and Innovation Act of 2022, and shall be issued for a maximum term of years, not exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2032. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Notwithstanding any general or special law to the contrary, bonds and interest thereon issued pursuant to this section shall be general obligations of the commonwealth.

SECTION 52. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor, but not exceeding in the aggregate \$35,000,000. All such bonds issued by the commonwealth shall be designated on their face, Judiciary Information Technology and Innovation Act of 2022, and shall be issued for a maximum term of years, not exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2032. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Notwithstanding any general or special law to the contrary, bonds and interest thereon issued pursuant to this section shall be general obligations of the commonwealth.

SECTION 53. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor, but not exceeding in the aggregate \$35,000,000. All such bonds issued by the commonwealth shall be designated on their face, Judiciary Information Technology and Innovation Act of 2022, and shall be issued for a maximum term of years, not

268 exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of
269 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
270 June 30, 2032. All interest and payments on account of principal on these obligations shall be
271 payable from the General Fund. Notwithstanding any general or special law to the contrary,
272 bonds and interest thereon issued pursuant to this section shall be general obligations of the
273 commonwealth.

274 SECTION 54. Sections 3 and 23 to 50, inclusive, shall take effect 90 days after the
275 effective date of this act.