

JOURNAL OF THE HOUSE.

Monday, November 13, 2017.

Met according to adjournment at eleven o'clock A.M., with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

Prayer.

Gracious God, we ask Your blessing upon our legislators as they enter into further dialogue to reach consensus on pending legislation.

We ask You to bless all who work in this historic edifice and to watch over all who visit this chamber today.

Today, we honor the legacy of Harvard Law graduate and Supreme Court Justice Louis Brandeis who was born on this day 161 years ago. When he graduated Harvard Law at age 20 he held the highest grade point average in the school's history at the time. The record stood for over 80 years.

Upon graduation he co-founded a law firm in Boston that is still in operation today. Inspired in part by his Jewish heritage and its sense of justice, Brandeis fought legal battles against powerful corporations, monopolies, banks, public corruption, and mass consumerism, all of which he felt were detrimental to American values and culture.

His legal arguments helped develop the Federal Trade Commission and the Federal Reserve. On the Supreme Court Justice Brandeis' opinions are considered some of the greatest defenses of freedom of speech and the right to privacy ever written.

Waltham's Brandeis University is named after this legal scholar. May God continue to bless our Commonwealth.

Pledge of allegiance.

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Guest of the House.

Framingham mayor-elect Yvonne Spicer.

Subsequent to the noon recess, the Chair (Mrs. Haddad of Somerset) declared a brief recess and introduced Framingham mayor-elect Yvonne Spicer. Mayor-elect Spicer is the Vice President for Advocacy and Educational Partnerships at the Museum of Science, Boston; is a former Framingham public school teacher with a doctorate in education from the University of Massachusetts Boston; and is the first woman of color to be elected to the office of mayor, in the Commonwealth. Mayor-elect Spicer then addressed the House.

She was the guest of Messrs. Walsh of Framingham, Lewis of Framingham and Gentile of Sudbury.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. O'Connell of Taunton and other members of the House) recognizing the vital contributions of small business to local communities and the Commonwealth; and

Small businesses.

Resolutions (filed by Mr. Rogers of Norwood) congratulating John J. Carroll on the occasion of his retirement;

John Carroll.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Garballey of Arlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Massachusetts Technology Development Corporation (Mass Ventures) (see Section 6 of Chapter 40G of the General Laws) submitting its financial statements for the fiscal year ended June 30, 2017 and 2016, was placed on file.

Mass Ventures.

Annual Report.

The annual report of the Department of Youth Services (under Section 16 of Chapter 123A of the General Laws) relative to sexually dangerous persons in the custody of the department during the fiscal year 2017 [copies of said report were forwarded to the committee on Ways and Means and the committee on the Judiciary], was placed on file.

Sexually dangerous persons.

Petitions.

Petitions severally were presented and referred as follows:

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 4028) of Carolyn C. Dykema and others (by vote of the town) that the town of Westborough be authorized to establish a capital improvements fund in said town; and

Westborough,—fund.

By Mr. Kelcourse of Amesbury, a petition (accompanied by bill, House, No. 4029) of James M. Kelcourse and Kathleen O'Connor Ives (by vote of the town) that the town of Salisbury be authorized to repeal the board of license commissioners in said town;

Salisbury,—license commissioners.

Severally to the committee on Municipalities and Regional Government.

By Representative Gordon of Bedford and Senator Friedman, a joint petition (accompanied by bill, House, No. 4030) of Kenneth I. Gordon and Cindy F. Friedman (by vote of the town) that the town of Burlington be authorized to appoint special police officers in said town. To the committee on Public Service.

Burlington,—special police.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to the Devens Fire Department (House, No. 1328, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section: "SECTION 13. This act shall take effect as of October 15, 2017."

Devens Fire Department.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Department of Energy Resources,— regulations.

A report (having been accepted by the Senate) of the committee on Telecommunications, Utilities and Energy, that the communication from the Department of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of Section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 16, Alternative Energy Portfolio Standard (APS) (House, No. 3955), be placed on file. Under Rule 42, the report was considered forthwith; and it was accepted, in concurrence.

Reports of Committees.

Plymouth County,— funds.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Mathew Muratore and others for legislation to authorize the treasurer of Plymouth County to transfer certain funds. Under suspension of the rules, on motion of Mr. Day of Stoneham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Gary Erskine,— sick leave.

Establishing a sick leave bank for Gary Erskine, an employee of the Department of Public Health (House, No. 3989);

Patricia Burnette.

Establishing a sick leave bank for Patricia Burnette, an employee of the Department of Mental Health (House, No. 3990); and

Harry Uhlman band stand.

Designating a band stand at the Marine Park in South Boston as the Harry G. Uhlman, Jr. Memorial Band Stand (House, No. 4005);

Under suspension of Rule 7A, in each instance, on motion of Mr. Day of Stoneham, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Rosibel Umanzor,— sick leave.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Rosibel Umanzor, an employee of the Department of Public Health (House, No. 4007), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Gypsy moths.

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, that the Bill to study the feasibility of creating and implementing a gypsy moth spraying program (House, No. 454), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Financial literacy.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House No. 40 and on a part of House, No. 23, a Bill relative to financial literacy (House, No. 40).

By the same member, for the same committee, on a petition, a Bill relative to public assistance for working families and the creation of a pilot program to address the impacts of the cliff effect (House, No. 2807).

Springfield,— public assistance.

By the same member, for the same committee, on a petition, a Bill providing diaper benefits for certain parents (House, No. 3517).

Diaper benefits.

By the same member, for the same committee, on a petition, a Bill establishing a low vision registry (House, No. 3681).

Low vision.

By the same member, for the same committee, on House, No. 80, a Bill to establish a registry of caretakers found to have substantiated abuse against persons with intellectual disability or developmental disability (House, No. 4026).

Caretakers,— registry.

By Ms. Benson of Lunenburg, for the committee on State Administration and Regulatory Oversight, on House, No. 3867, a Bill relative to Gardner Heritage State Park (House, No. 4027).

Gardner,— land.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a petition, a Bill relative to the recall of elected officials in the town of Carlisle (House, No. 3699) [Local Approval Received].

Carlisle,— recall elections.

By the same member, for the same committee, on a petition, a Bill relative to the Middleton town charter (House, No. 3725) [Local Approval Received].

Middleton,— charter.

By Ms. Benson of Lunenburg, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to the annual observance of Massachusetts Women's Defense Corps Remembrance Day (House, No. 2658).

Women's defense corps.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

At nine minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House recessed until twelve o'clock noon; and at one minute after one o'clock P.M. the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Reports of Committees.

By Mr. Sánchez of Boston, for the committee on Ways and Means, on the residue, that the Bill providing for immediate improvement needs of the Commonwealth (House, No. 3968), ought to pass with an amendment substituting therefor a Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4018) [Bond Issue: General Obligation Bonds: \$3,546,000,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Capital facility repairs.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the town of Lynnfield to convey certain land (see House, No. 4010) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills — Land Takings.

Truro,— land.

The engrossed Bill authorizing the town of Truro to convey a perpetual trail easement on conservation land to Truro conservation trust (see House, No. 2424) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 281.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 281 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Lenox,— land.

The engrossed Bill authorizing the town of Lenox to convey a conservation restriction on certain parcels of land (see House, No. 3833, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land taking),— yea and nay No. 282.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 282 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Matters Discharged from the Orders of the Day.

Paola Pol,— sick leave.

The House Bill establishing a sick leave bank for Paola Pol, an employee of the Trial Court (House, No. 3946), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Tucker of Salem; and it was passed to be engrossed. Sent to the Senate for concurrence.

Criminal justice,— sentencing.

The House Bill implementing the joint recommendations of the Massachusetts criminal justice review (House, No. 4012), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Cronin of Easton.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,— yea and nay No. 283.

[See Yea and Nay No. 283 in Supplement.]

Therefore the bill (House, No. 4012) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to criminal justice reform (Senate, No. 2200, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Cronin of Easton.

Criminal justice,— reforms.

After debate on the question on passing the bill to be engrossed, Ms. Barber of Somerville and other members of the House moved to amend it by adding the following section:

“SECTION 107. Notwithstanding any general or special law to the contrary, there shall be established a panel on justice-involved women to review and report on the impact of this act and other criminal statutes on women in the Commonwealth and make recommendations on gender-responsive and trauma-informed approaches to address the pre-trial, incarceration, and rehabilitation needs of justice-involved women. The task force shall review and consider improvements including, but not limited to, family visitation policies, available reproductive health care, gender-specific pre-trial services and programming offered within correctional institutions, and post-release transitional assistance and supports for women.

Said panel shall be chaired by the commissioner of the department of corrections or a designee, and shall consist of the commissioner of the department of children and families or a designee, the commissioner of the department of mental health or a designee, the commissioner of the department of public health or a designee, the commissioner of the office of probation, a member of the house of representatives appointed by the speaker of the house, a member of the senate appointed by the senate president, a member of the Massachusetts’ sheriffs association, and persons representing justice-involved women, re-entry programs, trauma-informed programs and training, domestic violence prevention, and an individual who has been formally incarcerated. Members of the board shall be appointed no later than 60 days after enactment of this act. The policy review panel shall meet at least 2 times annually and review reports, data and other information related to justice-involved women in the Commonwealth.

The panel shall annually, on or before December 31st, issue a report of its review and recommendations to the chairs of the joint committee on the judiciary, house and senate clerks, and the Chairs of the Women’s Caucus Task Force on Justice Involved Women.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Amendment adopted,— yea and nay No. 284.

[See Yea and Nay No. 284 in Supplement.]

Therefore the amendment was adopted.

Criminal
justice,—
reforms.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 64 the following section:

“SECTION 64A. Chapter 276 of the General Laws is hereby amended by inserting after section 20R the following section:?”

Section 20S. (a) Any employee of the Commonwealth, or a public instrumentality or political subdivision thereof, who holds police powers or the powers of a sheriff or deputy sheriff, including but not limited to municipal police officers, court officers, and state troopers, and who has lawful custody of a person may, upon receipt of (1) a written request from United States Immigration and Customs Enforcement requesting detention of such person on the grounds that there is probable cause that such person is a removable alien and (2) an administrative warrant for arrest or warrant of removal/deportation, detain such person for a reasonable period of time after such person would otherwise be released from custody in order to transfer custody of such person to United States Immigration and Customs Enforcement, provided that a supervisory officer of such employee’s agency has, in accordance with a policy promulgated in accordance with subsection (c), first determined that there are specific facts indicating that the person to be detained poses a threat to public safety; and further provided that such person be provided with a copy of such written request; and further provided that in no circumstances shall such detention exceed 12 hours unless an appropriate judicial officer shall have made a probable cause determination under the procedure set forth in subsection (d).

(b) As used in subsection (a), ‘specific facts indicating that the person to be detained poses a threat to public safety’ shall mean that, at a minimum, any of the following facts are true with respect to such person:

(1) the person has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;

(2) the person has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a);

(3) the person has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the person’s immigration status;

(4) the person has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43); or

(5) the person has been convicted of a crime of (i) domestic violence; (ii) sexual abuse or exploitation; (iii) trafficking in persons in violation of sections 50 or 51 of chapter 265 or like violations of the law of another state, the United States or a military, territorial or Indian tribal authority; (iv) burglary; (v) unlawful possession or use of a firearm; (vi) drug distribution or trafficking; (vii) second or subsequent operating or driving under the influence; or (viii) any other offense for which the person has been sentenced to time in custody of 180 days or more.

(c) Each agency of the Commonwealth or any public instrumentality or political subdivision of the Commonwealth that chooses to allow its employees to exercise the authority granted by subsection (a) shall promulgate a written policy designating which supervisory officers may make the determination required by subsection (a) before a person is

detained and the criteria such supervisory officer shall use in making such determination.

(d) A determination of probable cause for detention shall be made by an appropriate judicial officer and promptly reduced to writing. The appropriate judicial officer shall consider any information presented by the detaining agency, whether or not known at the time of initial detention. The detaining agency shall present the information under oath or affirmation or under the pains and penalties of perjury, and may present the information orally, in person or by any other means, or in writing. If presented in writing, the information may be transmitted to the appropriate judicial officer by facsimile transmission or by electronic mail or by such other electronic means as may be found acceptable by the court. The determination of probable cause for detention shall be an ex parte proceeding. The person detained shall have no right to appear, either in person or by counsel. If the judicial officer determines that there is not probable cause to believe the person detained is a removable alien, then the judicial officer shall order that the person be released forthwith. Such a determination and order shall be filed in the District Court having jurisdiction over the location of the detention, together with all written information submitted by the detaining agency. Such documents shall be filed separately from the records of criminal cases, and shall be open for inspection by the public. If a determination under this subsection is necessary, the detaining agency shall present the information necessary to obtain such determination to the appropriate judicial officer as soon as reasonably possible after the detention begins, but no later than 12 hours after the detention begins.

(e) This section shall not be construed to give rise to a private right of action and shall not be construed so as to make unlawful any arrest in this commonwealth which would otherwise be lawful.”

Mr. Speliotis of Danvers thereupon raised a point of order that the amendment offered by the gentlemen from North Reading was improperly before the House for the reason that it was beyond the scope of the bill currently before the House.

Point of
order.

The Chair (Mrs. Haddad of Somerset) stated that the subject-matter contained in the amendment offered by the gentleman from North Reading was not contained in any of the bills that made up the basis of the report submitted by the committee on the Judiciary. Nor was it contained in the Senate bill or the substituted House text being considered by the House. Since the introduction of this new subject-matter would expand upon the bill, the amendment was beyond the scope. The Chair therefore ruled that the point of order was well taken, that amendment was improperly before the House, and that it would be laid aside accordingly.

Mr. Jones of North Reading thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Hill of Ipswich.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”

Appeal from
decision of
Chair.

After debate, the sense of the House then was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 119 members voted in the affirmative and 34 in the negative.

Decision
of Chair
sustained,—
yea and nay
No. 285.

[See Yea and Nay No. 285 in Supplement.]

Therefore the decision of the Chair was sustained.

Criminal
justice,—
reforms.

Mr. Lyons of Andover then moved to amend the bill by adding the following section:

“SECTION 108. Chapter 94C, section 32E of the General Laws is hereby amended by inserting, after subsection (c) (4), the following section:—

(5) Any persons found guilty of trafficking heroin or fentanyl that results in the death of the user is to be punished by the terms set forth in Chapter 265, Section 13 of the Massachusetts General Laws.”

Ms. Cronin of Easton then moved that the amendment be amended by adding the following section:

“SECTION 109. Notwithstanding any general or special law to the contrary, the provisions of section 108 shall not take effect until such time as the executive office for administration and finance, in conjunction with the executive office of public safety and security, has furnished a study of the legislation’s impact on public safety and its impact on the economy of the commonwealth and its municipalities, including, but not limited to, a distributional analysis of the impact to taxpayers of varying income levels, the current practice of other states, anticipated changes in employment levels and other ancillary economic activity to the joint committee on public safety and homeland security, and until legislation has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

On the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Barrows of Mansfield; and on the roll call 117 members voted in the affirmative and 36 in the negative.

[See Ye and Nay No. 286 in Supplement.]

Therefore the further amendment was adopted.

The amendment, as amended, then also was adopted.

Ms. Keefe of Worcester and other members of the House then moved to amend the bill in section 37, in line 1037, by inserting after the word “proceeding,” the following sentence: “A person deemed indigent for the purpose of being offered counsel and who is assigned counsel for the commitment portion of a proceeding solely for the nonpayment of money owed shall not be assessed a fee for such counsel”. The amendment was adopted.

Representatives Campbell of Methuen and Malia of Boston then moved to amend the bill in section 34, in line 708, by striking out the figures: “30” and inserting in place thereof the figures: “15”.

In line 709 by inserting after the word “unit.” the following: “A correctional facility may house an inmate diagnosed with a serious mental illness in a segregated unit for no more than 15 days while waiting for a bed in a secure treatment unit. If the department fails to transfer the inmate to a secure treatment bed by day 15, the correctional facility shall submit a report to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security a report that includes the following information: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate’s mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation”; and provided further that the inmate shall be evaluated by a qualified

mental health professional in accordance with clinical standards adopted by the department and the department of mental health.”

In line 711 by inserting after the word “department.” the following: “In instances where no secure treatment bed is available and an inmate diagnosed with a serious mental illness is housed in a segregated unit for more than 30 days the correction facility where the inmate is housed shall submit to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security every 7 days a report that includes: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate’s mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation”; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the department and the department of mental health.”

In line 735 by striking out the figures: “30” and inserting in place thereof the figures: “15”.

In line 736 by inserting after the word “unit.” the following: “A correctional facility may house an inmate diagnosed with a serious mental illness in a segregated unit for no more than 15 days while waiting for a bed in a secure treatment unit. If the sheriff fails to transfer the inmate to a secure treatment bed by day 15, the correctional facility shall submit a report to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security a report that includes the following information: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate’s mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation”; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the sheriff and the department of mental health.”

In line [A] 738 by inserting after the word “Sheriff.” the following: “In instances where no secure treatment bed is available and an inmate diagnosed with a serious mental illness is housed in a segregated unit for more than 30 days the correction facility where the inmate is housed shall submit to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security every 7 days a report that includes: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate’s mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation”; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the sheriff and the department of mental health.”

Further
amendment
adopted,—
yea and nay
No. 286.

In line 780 by striking out the figures: "30" and inserting in place thereof the figures: "15";

In line 781 by inserting after the word "unit." the following: "A correctional facility may house an inmate diagnosed with a serious mental illness in a segregated unit for no more than 15 days while waiting for a bed in a secure treatment unit. If the department fails to transfer the inmate to a secure treatment bed by day 15, the correctional facility shall submit a report to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security a report that includes the following information: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate's mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation"; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the department and the department of mental health."

In line 783 by inserting after the word "department." the following: "In instances where no secure treatment bed is available and an inmate diagnosed with a serious mental illness is housed in a segregated unit for more than 30 days the correction facility where the inmate is housed shall submit to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security every 7 days a report that includes: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate's mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation"; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the department and the department of mental health."

In line 806 by striking out the figures: "30" and inserting in place thereof the figures: "15";

In line 807 by inserting after the word "unit." the following: "A correctional facility may house an inmate diagnosed with a serious mental illness in a segregated unit for no more than 15 days while waiting for a bed in a secure treatment unit. If the sheriff fails to transfer the inmate to a secure treatment bed by day 15, the correctional facility shall submit a report to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security a report that includes the following information: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate's mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation"; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the sheriff and the department of mental health."; and

In line 738 by inserting after the word "Sheriff." the following: "In instances where no secure treatment bed is available and an inmate diagnosed with a serious mental illness is housed in a segregated unit for more than 30 days the correction facility where the inmate is housed shall submit to the segregation oversight committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security every 7 days a report that includes: (1) The reason segregation was instituted for the inmate named in the report; (2) The reason transfer has not occurred 3) Changes to the inmate's mental state; and 4) Efforts that have been undertaken to find appropriate housing, the status of such efforts and an estimated date for removal from segregation"; and provided further that the inmate shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the sheriff and the department of mental health."

The amendments were adopted.

Recess.

At twenty-four minutes before seven o'clock P.M. (Monday, November 13), on motion of Ms. Cronin of Easton (Mrs. Haddad of Somerset being in the Chair), the House recessed until the following day at twelve o'clock noon; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Tuesday, November 14, 2017 (at 12:00 o'clock noon).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

- | | |
|--|---------------------|
| Resolutions (filed by Mr. McMurtry of Dedham) honoring Chief William P. Scoble on his service as a firefighter in the Commonwealth of Massachusetts; | William Scoble. |
| Resolutions (filed by Mr. Moran of Lawrence) promoting the relationship between the Dominican Republic and the Commonwealth of Massachusetts; | Dominican Republic. |
| Resolutions (filed by Ms. Peisch of Wellesley) honoring Anthony Nicholas Czubarow on receiving the Eagle Award of the Boy Scouts of America; | Anthony Czubarow. |
| Resolutions (filed by Ms. Peisch of Wellesley) honoring Jacob Hill Einbinder on receiving the Eagle Award of the Boy Scouts of America; | Jacob Einbinder. |
| Resolutions (filed by Ms. Peisch of Wellesley) honoring Glen Kelly Manglapus on receiving the Eagle Award of the Boy Scouts of America; | Glen Manglapus. |
| Resolutions (filed by Ms. Peisch of Wellesley) honoring Barrett Harrison Roman on receiving the Eagle Award of the Boy Scouts of America; | Barrett Roman. |

Zane Salameh. Andrew Scherrer.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Zane Asad Salameh on receiving the Eagle Award of the Boy Scouts of America; Resolutions (filed by Ms. Peisch of Wellesley) honoring Andrew Cook Scherrer on receiving the Eagle Award of the Boy Scouts of America; and

Clostridium Difficile Infection.

Resolutions (filed by Mr. Sánchez of Boston) recognizing the month of November 2017 as Clostridium Difficile Infection Awareness Month; Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Garballey of Arlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Rebecca Owumi,—sick leave.

Mr. Wong of Saugus presented a petition (subject to Joint Rule 12) of Donald H. Wong, Thomas M. McGee and Brendan P. Crighton for legislation to establish a sick leave bank for Rebecca Owumi, an employee of the Essex County Sheriff's Department; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Garballey of Arlington, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Papers from the Senate.

Contraceptive coverage.

The House Bill relative to advancing contraceptive coverage and economic security in our state (House, No. 4009) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2210; and inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith contraceptive coverage and economic security in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience."

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendments were correctly drawn; and they were adopted, in concurrence.

Mary Faulkner,—sick leave.

A petition of Richard J. Ross and Shawn Dooley for legislation to establish a sick leave bank for Mary Faulkner, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2212) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2134) of the House Bill relative to language opportunity for our kids (House, No. 3740), reported recommending passage of a bill with the same title (House, No. 4032). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Language opportunity.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Middleton town charter (House, No. 3725) [Local Approval Received], be scheduled for consideration by the House.

Middleton,—charter.

Under suspension of Rule 7A, on motion of Mr. O'Day of West Boylston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, Nos. 120 and 2797, a Bill establishing a permanent commission on the social status of Black men and boys (House, No. 120). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Black men and boys,—commission.

By Ms. Benson of Lunenburg, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to the Fort Devens Museum (House, No. 3370).

Fort Devens Museum.

By Mr. Lawn of Watertown, for the committee on Veterans and Federal Affairs, on a petition, a Bill relative to veterans' housing in the town of Agawam (printed as Senate, No. 2014).

Agawam,—veterans' housing.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill relative to advancing contraceptive coverage and economic security in our state (see House, No. 4009, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Contraception coverage.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 25 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Matter Discharged from the Orders of the Day.

The House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land in the city of Revere (House, No. 3995), reported by the committee on Bills in the Third

Revere,—land.

Revere,—
land.

Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Vincent of Revere; and it was passed to be engrossed. Sent to the Senate for concurrence.

Unfinished Business.

Criminal
justice,—
reforms.

The House Bill relative to criminal justice reform (Senate, No. 2200, amended), was considered.

Ms. Campbell of Methuen then moved that the vote be reconsidered by which the House, at the previous session, adopted amendments, offered by her and Ms. Malia of Boston (being the final amendments of yesterday session); and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, Ms. Campbell moved that they be amended by striking out [at "A"] the figures: "738" and inserting in place thereof the figures: "809". The further amendment was adopted.

On the recurring question, the amendments, as amended, also were adopted.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Day of Stoneham moved to amend it in section 35, in line 890, by striking out the words "The commissioner" and inserting in place thereof the words "Upon receipt of said petition the commissioner"; and the amendment was adopted.

Mr. Frost of Auburn and other members of the House then moved to amend the bill by adding the following two sections:

"SECTION 110. Section 26 of Chapter 218 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 18, the words 'thirteen K' and inserting in place thereof the following two figures:— 13D, 13K.

SECTION 111. Section 13D of Chapter 265 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

Whoever commits an assault and battery upon a police officer when such person is engaged in the performance of his duties at the time of such assault and battery, causing serious bodily injury, shall be punished by a term of imprisonment in the state prison for not less than 1 year nor more than 10 years, or house of correction for not less than 1 year nor more than 2½ years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of one year and a fine of not less than \$500 nor more than \$10,000 may be imposed but not in lieu of the mandatory minimum term of imprisonment. A prosecution commenced under this paragraph shall not be placed on file or continued without a finding and a sentence imposed upon a person convicted of violating this paragraph shall not be suspended or reduced, nor shall such person be eligible for probation, parole, work release, furlough or receive any deduction from his sentence for good conduct until such person shall have served said mandatory minimum term of imprisonment."

The amendment was adopted.

Mr. Brodeur of Melrose then moved to amend the bill by adding the following section:

"SECTION 112. The secretary of elder affairs and the secretary of the executive office of public safety and security, in consultation with the Attorney General, the Massachusetts chapter of AARP, the Massachusetts chapter of the National Academy of Elder Law Attorneys, and a representative from an Aging Services Access Point, shall report to the general court on elder protection laws in the commonwealth. The report shall include, but not be limited to: (i) the effectiveness of existing elder protection laws; (ii) the preservation of the autonomy of elders in the context of elder protection laws; (iii) additional legislative or regulatory changes that would further strengthen elder protection laws; and (iv) opportunities presented by the Elder Abuse Prevention and Prosecution Act, Public Law No. 115-70. The report shall be submitted with drafts of any recommended legislation to the clerks of the house of representatives and the senate and the chairs of the joint committee on elder affairs and the joint committee on the judiciary not later than July 31, 2018."

The amendment was adopted.

Mr. Livingstone of Boston and other members of the House then moved to amend the bill by inserting after section 80 the following section:

"SECTION 80A. There shall be a bail reform commission, referred to in this section as the commission. The commission shall evaluate policies and procedures related to the current bail system and recommend improvements or changes.

The commission shall consist of 19 members, 2 of whom shall be members of the house of representatives appointed by the speaker of the house of representatives; 1 of whom shall be a member of the house of representatives appointed by the minority leader of the house of representatives; 2 of whom shall be members of the senate appointed by the president of the senate; 1 of whom shall be a member of the senate appointed by the minority leader of the senate; 1 of whom shall be the chief justice of the supreme judicial court, or a designee; 1 of whom shall be the chief justice of the superior court, or a designee; 1 of whom shall be the chief administrative justice of the district court, or a designee; 1 of whom shall be the commissioner of probation, or a designee; 1 of whom shall be the chief counsel of the committee for public counsel services, or a designee; 1 of whom shall be appointed by the ACLU of Massachusetts; 1 of whom shall be appointed by Massachusetts Association of Criminal Defense Lawyers; 1 of whom shall be the attorney general, or designee; 2 of whom shall be members of the Massachusetts District Attorneys Association, including 1 of whom shall be the President, or their designees, and; 1 of whom shall be the governor, or designee.

Members of the commission shall serve without compensation. The speaker of the house of representatives and the president of the Senate shall each appoint one co-chair of the commission from among its members.

The commission shall report by December 1, 2018 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 and the chief justice of the trial court regarding the following: (1) an evaluation of the potential to use risk assessment factors as part of the pretrial system regarding bail decisions, including the

Criminal
justice,—
reforms.

potential to use risk assessment factors to determine when defendants should be released with or without conditions without bail and when bail should be set; (2) an evaluation of the impact of eliminating cash bail and recommendations, if any, for doing so; (3) an evaluation of the setting of conditions on defendants when they are released with or without bail and if changes should be made to the setting of conditions; (4) evaluate any disparate impact on defendants because of gender, race, gender identity, or other protected class status in the pretrial system and recommend any changes that could be made to minimize any such impact that is found; and (5) any statutory changes concerning the pretrial system that the commission recommends.”

The amendment was adopted.

Mr. Garballey of Arlington then moved to amend the bill in section 89, in lines 1735, 1736 and 1737, by striking out the sentences contained in those lines; and the amendment was adopted.

The same member then moved to amend the bill in section 89, in line 1689, by striking out the words “and approved by the restorative justice advisory committee.”; and the amendment was adopted.

Mr. Lyons of Andover and other members of the House then moved to amend the bill by adding the following section:

“SECTION 113. Chapter 276 of the General Laws is hereby amended by inserting after section 28 the following new section:—

Section 28A. Any law enforcement officer shall have authority, with or without warrant, to enforce the criminal laws of the United States, including those enumerated in Title 8 of the United States Code, provided that there is probable cause to believe that a violation of the law has occurred. Such probable cause may be based on the personal observations and belief of the officer, or may be based on information provided by reliable sources, including other federal, state or local law enforcement officers.

Any law enforcement officer shall additionally have the authority to arrest and detain a person, without having a warrant for such arrest in his possession, if the officer making such arrest and detention, or the agency or department in which the officer serves, possesses an Immigration Detainer lawfully issued by the United States Department of Homeland Security whereby said federal agency has indicated that it has determined that probable cause exists that that person is a removable alien. Any detention under this section shall not exceed 48 hours beyond the time that the person would otherwise be released from custody or admitted to bail. Said person must be served with a copy of the Immigration Detainer for such arrest and detention to be lawful.”

Mr. Mariano of Quincy thereupon raised a point of order that the amendment offered by the gentleman from Andover was improperly before the House for the reason that it went beyond the scope of the pending bill.

The Chair (Mr. Donato of Medford) stated that for the same reasons as stated in a ruling of the House at the previous session, pertaining to an amendment offered by Mr. Jones of North Reading, et al, on the same subject-matter, the amendment was improperly before the House. He therefore ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Point of
order.

Mr. Cahill of Lynn then moved to amend the bill by adding the following section:

“SECTION 113. Notwithstanding any special or general law to the contrary, there shall be a special commission established to investigate and study the statutory authority, operations, and training of constables. The commission shall consist 11 members: 1 of whom shall be the secretary of public safety and security or the secretary’s designee; 1 of whom shall be a member of the Massachusetts trial court; 1 of whom shall be a member of the house of representatives appointed by the speaker of the house; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be a member appointed by the Massachusetts district attorney association; 1 of whom shall be a member appointed by the Massachusetts sheriffs association; 1 of whom shall be a member appointed by the Massachusetts bar association; 1 of whom shall be a member appointed by the Massachusetts chiefs of police association; 1 of whom shall be a member appointed by the Massachusetts constables coalition; 1 of whom shall be a member appointed by the Massachusetts bay constables association; 1 person appointed by the governor who shall be a member of the public with experience in civil process.

The commission shall file the findings of its study by May 31, 2018, with the clerks of the house and the senate, who shall forward the report to the chairmen of the house committee on ways and means, the senate committee on ways and means, and the joint committee on the judiciary.”

The amendment was adopted.

Mr. Crighton of Lynn then moved to amend the bill in section 22, in line 355, by inserting after the word “misdemeanor” the following: “, except for offenses in subsection (a) of section 53 of chapter 272”; and the amendment was adopted.

Mr. Cullinane of Boston then moved to amend the bill by adding the following section:

“SECTION 114. Section 18 3/4 of chapter 6A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following subsection:—

(11) to create a uniform booklet of informational material, which shall be provided to persons, including juvenile offenders, committed to the custody of the department of correction and the sheriffs upon their release from a correctional facility. The booklet shall contain, at a minimum: (i) a summary of how and by whom the committed person’s criminal offender record information may be accessed and distributed pursuant to sections 167 to 178B, inclusive, of chapter 6; (ii) an explanation of the process for filing a complaint with the department of criminal justice information services regarding the content of, dissemination of or access to criminal offender record information; (iii) an explanation of the right to have certain records sealed pursuant to section 100A of chapter 276 and a step by step explanation of the process for sealing such records; (iv) an explanation of the duration of criminal offender record information; (v) contact information for relevant employees and offices of the department; (vi) a list of websites with important background on, and explanations of, criminal offender record information;

Criminal
justice,—
reforms.

and (vi) a list of answers to frequently asked questions about criminal offender record information.”

The amendment was adopted.

Mr. Naughton of Clinton then moved to amend the bill by adding the following section:

“SECTION 115. Section 172A of chapter 6 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following words:— , or veterans organizations requesting information relative to employees, volunteers and veterans that such organizations shall provide housing for.”

The amendment was adopted.

Mr. Vega of Holyoke and other members of the House then moved to amend the bill by adding the following section:

“SECTION 116. Section 34A of chapter 268 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Whoever knowingly and willfully furnishes a false name, Social Security number, date of birth, home address, mailing address or phone number, or other information as may be requested for the purposes of establishing the person’s identity, to a law enforcement officer or law enforcement official following an arrest shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not more than 1 year or by both such fine and imprisonment.”

After remarks the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 63 the following eight sections:

“SECTION 63A. Paragraph A of section 99 of chapter 272 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the third subparagraph and inserting in place thereof the following 2 subparagraphs:—

The general court further finds that in certain circumstances normal investigative procedures may not be effective in the investigation of specific illegal acts not associated with organized crime as enumerated in clause (b) of subparagraph 7 of paragraph B of this section. Therefore, law enforcement officials may be permitted to use modern methods of electronic surveillance, under strict judicial supervision, when investigating these specific enumerated crimes.

The general court further finds that the uncontrolled development and unrestricted use of modern electronic surveillance devices pose grave dangers to the privacy of all citizens of the commonwealth. Therefore, the secret use of such devices by private individuals must be prohibited. The use of such devices by law enforcement officials must be conducted under strict judicial supervision and must be limited to the investigation of designated offenses as defined in subparagraph 7 of paragraph B of this section. Because the commonwealth has a substantial interest in the investigation and prosecution of designated offenses committed within its borders, this section shall authorize, under appropriate judicial supervision, the interception of electronic communications between parties located outside the commonwealth, so long as the designated offense under investigation is one over which the commonwealth has jurisdiction, and the listening post is within the commonwealth.

SECTION 63B. Paragraph B of said section 99 of said chapter 272, as so appearing, is hereby amended by striking out the first subparagraph and inserting in place thereof the following subparagraph:—

1. The term ‘wire communication’ means any transfer made in whole or in part through the use of facilities which allow for the transmission of communications by the aid of wire, cable, wireless, electronic, digital, radio, electromagnetic, satellite, cellular, optical or other technological means in order to achieve a connection between the point of origin and the point of reception, regardless of whether or not such communication travels in part within a switching station or other facility. The term ‘wire communication’ shall also include: any transfer of signs, signals, writing, images, photographs, videos, texts, sounds, data or intelligence of any nature transmitted in whole or in part by using a cellular telephone, smartphone , personal data assistant or similar device, but shall not include: (i) any communication made through a tone-only paging device; (ii) any communication from a tracking device, defined as an electronic or mechanical device which permits the tracking of the movement of a person or object; or (iii) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds .

SECTION 63C. Said paragraph B of said section 99 of said chapter 272, as so appearing, is hereby further amended by striking out the third, fourth and fifth subparagraphs and inserting in place thereof the following 3 subparagraphs:—

3. The term ‘intercepting device’ means any device or apparatus which is capable of transmitting, receiving, amplifying, or recording a wire or oral communication other than a hearing aid or similar device which is being used to correct subnormal hearing to normal; and other than any telephone or telegraph instrument, equipment, facility, or a component thereof, (a) furnished to the subscriber or user by a communications common carrier in the ordinary course of business under its tariff and being used by the subscriber or user in the ordinary course of its business; or (b) being used by a communications common carrier in the ordinary course of its business. No body-mounted camera with an audio recording feature shall be considered an intercepting device when such an instrument is worn openly by a uniformed investigative or law enforcement officer or one conspicuously displaying his or her badge of authority or other visible indicator of his or her status as an investigative or law enforcement officer. No vehicle-mounted camera with an audio recording feature shall be considered an intercepting device when it is mounted on a marked law enforcement vehicle, or when such an instrument is used to record a motor vehicle stop or other encounter involving a uniformed law enforcement officer, or one conspicuously displaying his or her badge of authority or other visible indicator of his or her status as a law enforcement officer.

4. The term ‘interception’ means to secretly hear, secretly record, or aid another to secretly hear or secretly record the contents of any wire or oral communication through the use of any intercepting device by any person other than a person given prior authority by all parties to such communication; provided that it shall not constitute an interception (a) for an investigative or law enforcement officer to obtain information in real time concerning the existence of a communication

Criminal
justice—
reforms.

and the identity of the parties to a communication, but not the contents of the communication itself, where such action has been specifically authorized by the order of a court of competent jurisdiction pursuant to the procedure prescribed by 18 U.S.C. § 3123; or (b) for an investigative or law enforcement officer, as defined in this section, to record or transmit a wire or oral communication if the officer is a party to such communication or has been given prior authorization to record or transmit the communication by such a party and if recorded or transmitted in the course of an investigation of a designated offense as defined herein.

5. The term 'contents', when used with respect to any wire or oral communication, means any information concerning the contents, substance, purport, or meaning of that communication, including any spoken words, visual images or written material.

SECTION 63D. Said paragraph B of said section 99 of said chapter 272, as so appearing, is hereby further amended by striking out the seventh subparagraph and inserting in place thereof the following subparagraph:—

7. The term 'designated offense' shall include (a) the following offenses in connection with organized crime as defined in the preamble:

; the illegal use, possession, theft, transfer or trafficking of one or more firearms, rifles, shotguns, sawed-off shotguns, machine guns, assault weapons, large capacity weapons, covert weapons as defined by section 121 of chapter 140, or silencers; any arson; assault and battery with a dangerous weapon; bribery; any felony burglary; money laundering in violation of chapter 267A; enterprise crime in violation of chapter 271A; extortion; forgery; gaming in violation of sections 38, 39, 40, 41 and 43 of chapter 23K and sections 16A and 17 of chapter 271; kidnapping; any felony larceny; lending of money or things of value in violation of the general laws; perjury; any felony involving prostitution; robbery; subornation of perjury; any violation of section 13B of chapter 268; any violation of sections 29A, 29B and 105 of chapter 272; any violation of this section; being an accessory to any of the foregoing offenses; and conspiracy, attempt or solicitation to commit any of the foregoing offenses; and (b) the following offenses, whether or not in connection with organized crime, as referenced in paragraph 3 of the preamble: any murder or manslaughter, except under section 13½ of chapter 265; rape as defined in sections 22, 22A, 22B, 22C, 23, 23A, 23B, 24 and 24B of chapter 265; human trafficking in violation of sections 50 through 53 of chapter 265; any violation of chapter 94C involving the trafficking, manufacture, distribution of, or intent to distribute controlled substances; illegal trafficking in weapons; the illegal use or possession of explosives or chemical, radiological or biological weapons; civil rights violation causing bodily injury; intimidation of a witness or potential witness, or a judge, juror, grand juror, prosecutor, defense attorney, probation officer or parole officer; being an accessory to any of the foregoing offenses; and conspiracy, attempt or solicitation to commit any of the foregoing offenses.

SECTION 63E. Paragraph I of said section 99 of said chapter 272, as so appearing, is hereby amended by striking out the second subparagraph and inserting in place thereof the following subparagraph:—

2. The date of issuance, the date of effect, and termination date which in no event shall exceed 40 days from the date of effect. The

warrant shall permit interception of oral or wire communications for a period not to exceed 30 days. If physical installation of a device is necessary, the 40 day period shall begin upon the date of installation. If the effective period of the warrant is to terminate upon the acquisition of particular evidence or information or oral or wire communication, the warrant shall so provide; and

SECTION 63F. Said paragraph I of said section 99 of said chapter 272, as so appearing, is hereby further amended by striking out the sixth subparagraph and inserting in place thereof the following 3 subparagraphs:—

6. The identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

7. A statement providing for service of the warrant pursuant to paragraph L except that if there has been a finding of good cause shown requiring the postponement of such service, a statement of such finding together with the basis therefor must be included and an alternative direction for deferred service pursuant to paragraph L, subparagraph 2.

8. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in 30 days.

SECTION 63G. Paragraph J of said section 99 of said chapter 272, as so appearing, is hereby amended by striking out the second subparagraph and inserting in place thereof the following subparagraph:—

2. Upon such application, the judge may issue an order renewing the warrant and extending the authorization for a period not exceeding 30 days from the entry thereof. Such an order shall specify the grounds for the issuance thereof. The application and an attested copy of the order shall be retained by the issuing judge to be transported to the chief justice in accordance with the provisions of paragraph N of this section. In no event shall a renewal be granted which shall terminate later than 2 years following the effective date of the warrant.

SECTION 63H. Said section 99 of said chapter 272, as so appearing, is hereby further amended by striking out paragraph K and inserting in place thereof the following paragraph:—

K. Warrants: manner and time of execution

1. A warrant may be executed pursuant to its terms anywhere in the commonwealth, or any other place that facilitates a wire communication to which at least 1 party is within the commonwealth; or which otherwise involves a communication regarding a criminal offense for which criminal jurisdiction would exist in the commonwealth.

2. Such warrant may be executed by the authorized applicant personally or by any investigative or law enforcement officer of the commonwealth designated by him for the purpose, or by any designated individual operating under a contract with the Commonwealth or its subdivisions, acting under the supervision of an investigative or law enforcement officer authorized to execute the warrant.

3. The warrant may be executed according to its terms during the hours specified therein, and for the period therein authorized, or a part thereof. The authorization shall terminate upon the acquisition of the

Criminal
justice,—
reforms.

oral or wire communications, evidence or information described in the warrant. Upon termination of the authorization in the warrant and any renewals thereof, the interception must cease at once, and any device installed for the purpose of the interception must be removed as soon thereafter as practicable. Entry upon private premises for the removal of such device is deemed to be authorized by the warrant.

4. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception.

5. Upon request of the applicant, the issuing judge may direct that a provider of wire or electronic communications service, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party whose communications are to be intercepted. Any provider of wire or electronic communications service, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefore by the applicant for reasonable expenses incurred in providing such facilities or assistance.”.

Mr. Mariano of Quincy thereupon raised a point of order that the amendment offered by the gentlemen from North Reading was improperly before the House for the reason that it was beyond the scope of the pending bill.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that the subject-matter of the amendment offered by the gentleman from North Reading introduced the subject of wiretaps, which was a new topic and not contained in either the House or Senate versions of the bill currently before the House; nor was the subject of wiretaps contained in any of the petitions that made up the basis of the report from the committee on the Judiciary. Offering such new subject-matter in the form of an amendment from the floor of the House and thereby by-passing the deliberative steps required under our rules for the passage of a bill, would violate the essence of the legislative process. The Chair therefore ruled that the amendment was beyond the scope of the measure before the House; and it was laid aside accordingly.

Mr. Jones of North Reading thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Frost of Auburn.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”.

After remarks, the sense of the House then was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 123 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 287 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 117. Said chapter 6 of the General Laws, as so appearing in the 2016 Official Edition, is hereby further amended by inserting after section 172M the following section:—

Section 172N. State and political subdivision licensing authorities shall provide in the licensing requirements for a professional license a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that would disqualify an applicant from eligibility for a license. For the purposes of this section, ‘licensing authority’ shall include an agency, examining board, credentialing board, or other office or commission with the authority to impose occupational fees or licensing requirements on a profession.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 118. Section 37E of said chapter 266, as appearing in the 2016 Official Edition, is hereby amended by inserting after subsection (c) the following subsection:—

(c¹/₂) Whoever possesses a tool, instrument or other article adapted, designed or commonly used for accessing a person’s financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, personal identification number, mother’s maiden name, computer system password, electronic signature or unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person under circumstances evincing an intent to use or knowledge that some person intends to use the same in the commission of larceny shall be guilty of identity fraud and shall be punished by a fine of not more than \$5,000 or imprisonment in a house of correction for not more than 2½ years, or by both such fine and imprisonment.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 28, in line 438, by striking out the figures: “19” and inserting in place thereof the figures: “21”, in line 439 by inserting after the word “representatives” the following: “; 1 member of the house of representatives to be appointed by the minority leader of the house”, and in line 440 by inserting after the words “; president of the senate” the following: “; 1 member of the senate to be appointed by the senate minority leader”. The amendments were adopted.

The same members then moved to amend the bill in section 96, in line 1792, by inserting after the word “house” the following: “; 1 member of the house of representatives to be appointed by the minority leader of the house”, and in line 1793 by inserting after the word “president” the following: “; 1 member of the senate to be appointed by the senate minority leader;”. The amendments were adopted.

Mr. Jones and other members of the House then moved to amend the bill in section 97, in line 1812, by inserting after the words “speaker of the house” the following: “; 1 member of the house of representatives to be appointed by the minority leader of the house”, and in line 1813 by inserting after the word “president” the following: “; 1 member of the senate to be appointed by the senate minority leader”. The amendments were adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following thirteen sections:

Point of
order.

Appeal from
decision of
Chair.

Decision
of Chair
sustained,—
yea and nay
No. 287.

Criminal
justice,—
reforms.

“SECTION 119. Section 8A of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 33, the words ‘of the vapors of glue’ and inserting in place thereof the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 120. Section 8A½ of said chapter 90, as so appearing, is hereby amended by striking out, in lines 29 and 30, the words ‘the vapors of glue’ and inserting in place thereof the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 121. Section 21 of said chapter 90, as so appearing, is hereby amended by striking out, in line 27, the words ‘under the influence of the vapors of glue’ and inserting in place thereof the following words:— while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 122. Section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 8 and 759, the words ‘the vapors of glue’ and inserting in place thereof, in each instance, the following words:— while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 123. Section 24D of said chapter 90, as so appearing, is hereby amended by striking out, in lines 4 and in lines 17 and 18, the words ‘the vapors of glue’ and inserting in place thereof, in each instance, the following words:— while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 124. Section 24G of said chapter 90, as so appearing, is hereby amended by striking out, in lines 8 and 43, the words ‘vapors of glue’ and inserting in place thereof, in each instance, the following words:— while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 125. Section 24L of said chapter 90, as so appearing, is hereby amended by striking out, in lines 8 and 43, the words ‘vapors of glue’ and inserting in place thereof, in each instance, the following words:— while under the influence from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 126. Section 8 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 508, the words ‘the vapors of glue’ and inserting in place thereof, in each instance, the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 127. Section 8A of said chapter 90B, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ‘the vapors of glue’ and inserting in place thereof the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 128. Said section 8A of said chapter 90B, as so appearing, is hereby further amended by striking out, in line 36, the words ‘vapors of glue’ and inserting in place thereof the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 129. Section 8B of said chapter 90B, as so appearing, is hereby amended by striking out, in lines 5 and 6 and 38 and 39, the words ‘the vapors of glue’ and inserting in place thereof, in each instance, the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 130. Section 26A of said chapter 90B, as so appearing, is hereby amended by striking out, in line 8 and 17, the words ‘the vapors of glue’ and inserting in place thereof, in each instance, the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.

SECTION 131. Section 10H of said chapter 269, as so appearing, is hereby amended by striking out, in line 7, the words ‘the vapors of glue’ and inserting in place thereof the following words:— from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270.”

The amendment was adopted.

Mr. Carvalho of Boston and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 132. Said section 2 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 27, the word ‘shall’ and inserting in place thereof the following word:— may.

SECTION 133. Subsection (e) of said section 2 of said chapter 258C, as so appearing, is hereby amended by inserting after the second sentence the following sentence:— In the event of a victim’s death by homicide, an award may be reduced except the costs for appropriate and modest funeral, burial or cremation services shall be paid by the fund.”

The amendment was adopted.

Representatives O’Connell of Taunton and Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 134. Section 14B of chapter 269 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding after paragraph (b) the following paragraph:—

(c) whoever makes or causes to be made 3 or more non-emergency calls as determined by the PSAP shall be punished by a fine of not more than 250 dollars. Whoever commits a subsequent violation of this section shall be punished by a fine of not less than 500 dollars.”

The amendment was adopted.

The Speaker being in the Chair,—

Mr. González of Springfield and other members of the House then moved to amend the bill by adding the following section:

“SECTION 135. The department of correction, in consultation with the department of telecommunications and cable shall study and report on: (i) the cost of local and long distance telephone service provided to prisoners in department of correction facilities and county houses of

Criminal
justice,—
reforms.

correction; (ii) a comparison of the rates with comparable residential telephone service; and (iii) information relative to commissions and revenue collected as part of telephone services provided to prisoners in department of correction facilities and county houses of correction. The report shall be filed with 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 security, and the house and senate chairs of the joint committee on telecommunications, utilities and energy on or before July 1, 2018.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 288 in Supplement.]

Therefore the amendment was adopted.

Representatives Jones of North Reading, Higgins of Leominster and Gentile of Sudbury then moved to amend the bill by adding the following six sections:

“SECTION 136. Chapter 6A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 18V the following section:—

Section 18W. (a) There shall be within the executive office of public safety and security a statewide sexual assault evidence kit tracking system. The secretary of public safety and security, hereinafter referred to as the secretary, shall convene a multidisciplinary task force composed of members that include law enforcement professionals, crime lab personnel, prosecutors, victim advocates, victim attorneys, survivors, and sexual assault nurse examiners or sexual assault forensic examiners to help develop recommendations for a tracking system and identify funding sources. The secretary may contract with state or non-state entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system. A sexual assault evidence kit shall include the standardized kit for the collection and preservation of evidence in sexual assault or rape cases as designed by the municipal police training committee pursuant to section 97B of chapter 41.

(b) The statewide sexual assault evidence kit tracking system shall:

(i) track the location and status of sexual assault evidence kits throughout the criminal justice process, including: (1) the initial collection in examinations performed at hospitals or medical facilities, (2) receipt and storage at a governmental entity, including a local law enforcement agency, the department of state police, a district attorney’s office or any other official body of the commonwealth or of a county, city or town, (3) a hospital or medical facility that is in possession of forensic evidence pursuant to section 97B, (4) receipt and analysis at forensic laboratories, and (5) storage and any destruction after completion of analysis;

(ii) allow hospitals or medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the crime laboratory within the department of state police, the crime laboratory within the Boston police department, and other entities in the

custody of sexual assault kits to update and track the status and location of sexual assault kits;

(iii) allow victims of sexual assault to anonymously track and receive updates regarding the status of their sexual assault kits; and

(iv) use electronic technology or technologies allowing continuous access.

(c) The secretary may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The secretary may phase initial participation according to region, volume or other appropriate classifications. All entities in the custody of sexual assault evidence kits shall fully participate in the system no later than December 1, 2019.

(d) The secretary shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the general court’s joint committee on the judiciary, and the governor no later than June 30, 2018.

(e) For the purpose of reports under this section, a sexual assault evidence kit shall be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault evidence kit or otherwise in the custody of the sexual assault evidence kit.

(f) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault evidence kit tracking system, so long as the release was without gross negligence.

(g) Local law enforcement agencies shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits in the custody of local law enforcement agencies and other entities contracting with local law enforcement agencies. Local law enforcement agencies shall begin full participation in the system according to the implementation schedule established by the secretary, but not later than one year from the effective date of this act.

(h) The director of the crime laboratory within the department of state police shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits in the custody of the department of state police and other entities contracting with the department of state police. The department of state police shall begin full participation in the system according to the implementation schedule established by the secretary, but not later than one year from the effective date of this act.

(i) A hospital or medical facility licensed pursuant to chapter 111 shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits collected by or in the custody of hospitals and other entities contracting with hospitals. Hospitals shall begin full participation in the system according to the implementation schedule established by the secretary, but not later than one year from the effective date of this act.

Amendment
adopted,—
yea and nay
No. 288.

Criminal
justice,—
reforms.

(j) District attorney offices shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits. District attorney offices shall begin full participation in the system according to the implementation schedule established by the secretary.

(k) A victim connected to a sexual assault evidence kit must be provided notice, in writing, by the executive office of public safety and security, 60 days prior to the planned destruction of such sexual assault evidence kit.

Section 18X. Annually, on or before September 1st, the following reports regarding the previous fiscal year, shall be submitted to the executive office of public safety and security by law enforcement agencies, medical facilities, crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits:

A. total number of all kits containing forensic samples collected or received

B. for each kit:

a. date of collection or receipt;

b. category of the kit:

i. sexual assault was reported to law enforcement,

ii. victim chose not to file a report with law enforcement (non-investigatory);

c. status of the kit:

i. medical facilities: date the kit was collected, date the kit was reported to law enforcement, and date the kit was picked up by law enforcement;

ii. law enforcement: date the kit was picked up from a medical facility and date the kit was delivered to the crime laboratory;

1. For kits belonging to another jurisdiction: the date that the jurisdiction was notified and the date it was picked up;

iii. crime laboratories: date the kit was received, from which agency the kit was received, date the kit was tested, date the resulting information was entered into CODIS and the state DNA databases, and all reasons a kit was not tested or a DNA profile was not created.

C. total number of all kits remaining in possession of the medical facility, law enforcement, or laboratory, and all reasons for any kit in possession for more than 30 days.

D. total number of kits destroyed by medical facilities, law enforcement, or laboratories, and reason for destruction.

E. The executive office of public safety and security shall compile the information in a summary report that includes a list of all agencies or facilities that failed to participate in the audit. The annual summary report shall be made publicly available on the executive office of public safety and security's website, and shall be submitted to the Governor, the Attorney General, and legislative leadership.

This annual report can obtain information from the tracking system established in section 18W and additional means, such as manual counts and review of records such as case files.

SECTION 137. Section 97B of chapter 41 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking in line, 41, the words '15 years' and inserting in place thereof, the words, '50 years'.

SECTION 138. Chapter 41 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 97B, the following new section:—

Section 97B½. (a) Any hospital licensed pursuant to chapter 111 and all other medical facilities that conduct medical forensic examinations shall notify a local law enforcement agency at the time the evidence is obtained and no later than 24 hours after the collection of a new sexual assault evidence kit.

(a) Local law enforcement agencies shall:

(1) Take possession of the sexual assault evidence kit from hospitals and other medical facilities that conduct medical forensic examinations within 3 business days of notification.

(2) Submit new sexual assault evidence kits to the crime laboratory within the department of the state police or the crime laboratory within the Boston police department within 7 business days of taking possession, except that non-investigatory sexual assault evidence kits associated with a victim who has not yet filed a report with law enforcement shall not be subject to the 7 day requirement. Non-investigatory kits shall be safely stored by law enforcement in a manner that preserves evidence for a duration of 50 years or the statute of limitations, whichever is longer.

(b) The crime laboratory within the department of the state police shall test all sexual assault evidence kits within 30 days of receipt from local law enforcement.

(c) In cases where testing results in a DNA profile, the crime laboratory shall enter the full profile into CODIS and the state DNA database.

(d) Each sexual assault evidence kit should be entered into the statewide sexual assault evidence kit tracking system pursuant to section 18X of chapter 6A.

SECTION 139. Notwithstanding any special or general law to the contrary, within 180 days of the enactment of this act, all previously unsubmitted sexual assault evidence kits containing forensic samples collected during a medical forensic exam in medical facilities or other facilities that collect kits, shall be submitted to law enforcement. Non-investigatory kits shall be safely stored by a governmental entity in a manner that preserves evidence for a duration of 50 years or the statute of limitations, whichever is longer. Non-investigatory kits shall not be transferred to the crime laboratory. Within 180 days of enactment, each law enforcement agency shall submit all previously unsubmitted sexual assault evidence kits, including those past the state of limitations, to the crime laboratory within the department of the state police. The crime laboratory within the department of the state police or an accredited private crime laboratory designated by the secretary of public safety and security shall test all previously unsubmitted sexual assault kits within 180 days of receipt from local law enforcement. In cases where testing results in a DNA profile, the crime laboratory shall enter the full profile into CODIS and the state DNA database.

SECTION 140. No later than December 1, 2019, the executive office of public safety and security shall ensure that statewide policies and procedures for law enforcement shall be adopted concerning contact with victims and notification concerning sexual assault evidence kits.

Criminal
justice,—
reforms.

The policies and procedures shall be evidence-based and survivor-focused and shall require:

A. Each agency to designate at least one person, who is trained in trauma and victim response, to receive all inquiries concerning sexual assault evidence kits and to serve as a liaison between the agency and the victim.

B. Victims of sexual assault be provided with the contact information for the designated liaison(s) at the time that a sexual assault evidence kit is collected.

In advance or at the time of the medical forensic examination or law enforcement interview, medical professionals, victim advocates, law enforcement officers, and district attorneys shall provide victims of sexual assault with a physical document developed by the executive office of public safety and security identifying their rights under law.

Under this section all victims of sexual assault shall have the right to:

C. Consult with a sexual assault victim advocate who has confidentiality and privilege; waiving the right to a victim advocate in one instance does not negate this right. The medical facility, law enforcement officer, and prosecutor shall inform the victim of this right prior to commencement of a medical forensic examination or law enforcement interview, and shall not continue unless such right is knowingly and voluntarily waived.

D. Information, upon request, of the location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state and federal databases and the estimated destruction date for the kit, if applicable, in a manner of communication designated by the victim.

E. Be informed when there is any change in the status of their case, including if the case has been closed or reopening of the case.

F. Designate a person of the victim's choosing to act as a recipient of the information provided under this subsection.

G. Be informed about how to file a report with law enforcement and have their sexual assault evidence kit tested in the future, if the victim chose not to file a report or have the kit tested at the time the kit was collected.

H. Be informed about the right to apply for victim compensation.

SECTION 141. Notwithstanding any general or special law to the contrary, the multidisciplinary task force established by section 139 of this act shall consider available funding opportunities, including, but not limited to the following grant programs: Bureau of Justice Sexual Assault Kit Initiative (SAKI) grant program; the Sexual Assault Forensic Evidence-Inventory, Tracking and Reporting Program (SAFE-ITR) grant; the DNA Capacity Enhancement and Backlog Reduction (Debbie Smith) grant; the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and the Victims of Crime Act Victim Assistance grant. The multidisciplinary task force shall also investigate opportunities to utilize software from outside jurisdictions, including, but not limited to the Idaho State Police and the city of Portland, Oregon's free tracking software."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call (Mr. Donato of Medford being in the Chair) 156 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 289 in Supplement.]

Therefore the amendment was adopted.

Mr. Muradian of Grafton then moved to amend the bill by adding the following section:

"SECTION 142. There shall be a special commission to study the prevention of suicide among correction officers in Massachusetts correctional facilities. The commission shall consist of the secretary of the executive office of public safety or the secretary's designee who shall serve as chair; the commissioner of the department of correction or the commissioner's designee; the commissioner of the department of public health or the commissioner's designee; the commissioner of the department of mental health or the commissioner's designee; one person appointed by the speaker of the house of representatives; one person appointed by the minority leader in the house of representatives; one person appointed by the president of the senate; one person appointed by the minority leader of the senate; one person appointed by the president of the Massachusetts correction officers federated union or their designee; one person appointed by the president of the Massachusetts Psychological Society or their designee; one person appointed by the president of the new England police benevolent association or their designee; 2 persons to be appointed by the governor; 1 of whom shall be a representative of an organization that specializes in suicide prevention; 1 of whom shall be a representative of an organization that represents Massachusetts sheriffs. Each member shall serve without compensation.

The commission shall review the state of suicide prevention programs in Massachusetts' correctional facilities and develop model plans, recommend program changes, highlight budget priorities and recommend best practices that could be utilized to reduce instances of correction officer suicide, and attempted suicide. The commission shall: (i) examine and evaluate the state of jail and prison suicide prevention policies in the commonwealth; (ii) examine and evaluate suicide prevention training for correctional facility staff in the commonwealth; (iii) provide recommendations for improving suicide identification and intervention for correctional facility staff in the commonwealth; (iv) develop recommendations for the provision of mental health counseling services to correction officers that have a need for such services; (v) examine ways in which correctional facilities can reduce stress, anxiety, and depression among correction officers; and (vi) examine training programs for incoming correction officers and develop recommendations for programs to include a discussion of mental preparedness.

The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

The commission shall submit its findings and recommendations relative to suicide prevention, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate, the house and senate

Amendment
adopted,—
yea and nay
No. 289.

Criminal
justice,—
reforms.

committees on ways and means, the joint committee on public safety and homeland security, and the joint committee on mental health and substance abuse not later than September 30, 2018.”

The amendment was adopted.

Messrs. Muradian of Grafton, Whelan of Brewster and Muratore of Plymouth then moved to amend the bill by inserting after section 45 the following section:

“SECTION 45A. Chapter 268 of the General Laws is hereby amended by striking out section 13B, as so appearing, and inserting in place thereof the following section:—

Section 13B. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Investigator’, an individual or group of individuals lawfully authorized by a department or agency of the federal government or any political subdivision thereof or a department or agency of the commonwealth or any political subdivision thereof to conduct or engage in an investigation of, prosecution for, or defense of a violation of the laws of the United States or of the commonwealth in the course of such individual’s or group’s official duties.

‘Harass’, to engage in an act directed at a specific person or group of persons that seriously alarms or annoys such person or group of persons and would cause a reasonable person or group of persons to suffer substantial emotional distress including, but not limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, a device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system including, but not limited to, electronic mail, internet communications, instant messages and facsimile communications.

(b) Whoever willfully, either directly or indirectly: (i) threatens, attempts or causes physical, emotional or economic injury or property damage to; (ii) conveys a gift, offer or promise of anything of value to; or (iii) misleads, intimidates or harasses another person who is a: (A) witness or potential witness; (B) person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law or a violation of conditions of probation, parole, bail or other court order; (C) judge, juror, grand juror, attorney, victim witness advocate, police officer, correction officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer; (D) person who is or was attending or a person who had made known an intention to attend a proceeding described in this section; or (E) family member of a person described in this section, with the intent to or with reckless disregard for the fact that it may: (1) impede, obstruct, delay, prevent or otherwise interfere with: (I) a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or probation violation proceeding; or (II) an administrative hearing or a probate or family court proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk’s hearing, court-ordered mediation or any other civil proceeding of any type; or (2) punish, harm or otherwise retaliate

against any such person described in this section for such person or such person’s family member’s participation in any of the proceedings described in this section, shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not less than \$1,000 or more than \$5,000 or by both such fine and imprisonment. If the proceeding in which the misconduct is directed at is the investigation or prosecution of a crime punishable by life imprisonment or the parole of a person convicted of a crime punishable by life imprisonment, such person shall be punished by imprisonment in the state prison for not more than 20 years or by imprisonment in the house of corrections for not more than 2½ years or by a fine of not more than \$10,000 or by both such fine and imprisonment.

(c) A prosecution under this section may be brought in the county in which the criminal investigation, trial or other proceeding was being conducted or took place or in the county in which the alleged conduct constituting the offense occurred.”

The amendment was adopted.

Mr. O’Day of West Boylston and other members of the House then moved to amend the bill by adding the following four sections:

“SECTION 143. Section 1 of Chapter 127 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting before the definition of ‘Commissioner’ the following definition:

‘Behavioral health counseling,’ any non-pharmacological intervention carried out by a qualified behavioral health professional in a therapeutic context at an individual, family, or group level. Interventions may include structured, professionally administered interventions delivered in person or interventions delivered remotely via telemedicine.

SECTION 144. Section 1 of said chapter 127, as so appearing, is hereby amended by inserting after the definition of ‘Parole board’ the following definition:

‘Qualified addiction specialist,’ a treatment provider who is a physician licensed by the board of registration of medicine, a licensed advanced practice registered nurse, or a licensed physician assistant, and who has a minimum of 6 months experience treating individuals with substance use disorder or is a licensed DATA-waiver practitioner under the federal Comprehensive Addiction and Recovery Act of 2016, Public Law 114-198.

SECTION 145. Section 16 of said chapter 127, as so appearing, is hereby amended by inserting at the end thereof the following new paragraph:—

The superintendents of the correctional institutions of the commonwealth, and the keepers and superintendents of jails and houses of correction shall also cause an examination for drug use disorder to be made by a qualified addiction specialist of each inmate in their respective institutions committed for a term of thirty days’ imprisonment or more; provided, that if an inmate is diagnosed with drug use disorder, the report of such examination shall include a determination of whether or not opioid substitution or medication assisted treatment for opioid addiction are appropriate for the inmate; and provided further, that this requirement may be satisfied by relying on the report of an examination made pursuant to section 10 of chapter 111E, if said report includes a

Criminal
justice,—
reforms.

determination of whether or not opioid substitution or medication assisted treatment for opioid addiction are appropriate for the inmate.

SECTION 146. Chapter 127, as so appearing, is hereby amended by inserting after section 224 the following section:

Section 224A. The commissioner of correction, in consultation with the Department of Public Health, Bureau of Substance Addiction Services, shall develop criteria for the selection of houses of correction and state prisons to participate in a pilot program to investigate the broader provision of opioid substitution therapies for addiction in correction facilities, and shall select houses of correction and state prisons to participate in said pilot program according to these criteria. Selected facilities shall maintain or provide for the capacity to possess, dispense, and administer all drugs approved by the federal Food and Drug Administration for use in opioid substitution therapy for addiction, and shall make such treatment available to any inmate for whom such treatment is found to be appropriate pursuant to section 16. Treatment established under this section shall include behavioral health counseling for individuals diagnosed with drug use disorder and said counseling services shall be consistent with current therapeutic standards for these therapies in a community setting. A facility selected under this section shall not be required to maintain or provide an opioid substitution therapy that is not included in the MassHealth drug list and is not a MassHealth covered benefit. A facility must ensure access to a qualified addiction specialist who is a licensed DATA-waiver practitioner under the federal Comprehensive Addiction and Recovery Act of 2016, Public Law 114-198.

The pilot shall also ensure that an inmate receiving opioid substitution or medication assisted treatment for opioid addiction immediately preceding their incarceration, shall continue the treatment unless the inmate voluntarily discontinues the treatment or unless an addiction specialist, as defined in chapter 111E of the General Laws, determines that the treatment is no longer appropriate.

Not later than November 1, 2018, and by November 1 of each subsequent year that the pilot program is in place, selected facilities shall report to the commissioner of correction the following information: (i) the cost of the pilot program to the facility related; (ii) the type and prevalence of opioid substitutions and medication assisted treatments provided through the pilot program; (iii) the number of inmates who continued to receive the same opioid substitution or medication assisted treatment as they received prior to incarceration; (iv) the number of inmates who voluntarily discontinued the opioid substitution or medication assisted treatment that they received prior to incarceration; (v) the number of inmates who discontinued the opioid substitution or medication assisted treatment that they received prior to incarceration due to a determination by an addiction specialist; (vi) a review of the facility's practices related to opioid substitution and medication assisted treatment prior to inclusion in the pilot program; and (vii) any other information requested by the department of correction related to the administration of the pilot program.

The department of correction, in consultation with the department of public health, shall provide a report of the findings collected from selected facilities to the chairs of the joint committee on mental health and substance abuse and the house and senate committees on ways and

means not later than January 1 of each year of the pilot program detailing: (i) the cost of the pilot program in the prior year; (ii) the projected cost associated with expanding the pilot program to additional houses of correction and correctional institutions for the coming year of the pilot program based on prior year costs; (iii) the type and prevalence of opioid substitutions and medication assisted treatments provided through the pilot program; (v) a summary of changes to facility practices related to opioid substitution and medication assisted treatment related to the pilot program; and (v) the aggregated results of: (A) the number of inmates who continued to receive the same opioid substitution or medication assisted treatment as they received prior to incarceration; (B) the number of inmates who voluntarily discontinued the opioid substitution or medication assisted treatment that they received prior to incarceration; and (C) the number of inmates who discontinued the opioid substitution or medication assisted treatment that they received prior to incarceration due to a determination by an addiction specialist.

The department of correction shall select facilities for participation in the pilot program in the following manner: (i) for the first year, the Massachusetts alcohol and substance abuse center and at least 2 houses of correction and 2 state prisons shall be included in the pilot program; (ii) for the second year, at least 30 per cent of houses of correction and state prisons shall be included in the pilot program; (iii) for the third year, at least 60 per cent of houses of correction and state prisons shall be included in the pilot program; and (iv) for the fourth year, all houses of correction and state prisons shall be included in the pilot program.”

The amendment was adopted.

Ms. Malia of Boston then moved to amend the bill in section 4, in line 45, by striking out the word “abuse” and inserting in place thereof the word “use”; and the amendment was adopted.

Mr. Kafka of Stoughton then moved to amend the bill by inserting after section 3 the following section:

“SECTION 3A. Section 66A of Chapter 10 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the words ‘chapter 265’, in line 6, the following words:— and section 107 of chapter 272.”;

By inserting after section 45A (inserted by amendment) the following section:

“SECTION 45B. Section 54 of chapter 265, as so appearing, is hereby amended by striking out, in line 4, the words ‘sections 50 and 51’, and inserting in place thereof the following words:— subsection (c) and subsection (d) of section 26D and sections 50 and 51.”; and

By inserting after section 63 the following section:

“SECTION 63A. Chapter 272 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 106 the following section:—

Section 107. The court shall transmit fines collected pursuant to section 8 and subsection (b) and subsection (c) of section 53A to the state treasurer. The treasurer shall deposit such fines into the Victims of Human Trafficking Trust Fund established pursuant to section 66A of chapter 10.”

The amendments were adopted.

Criminal
justice,—
reforms.

Mr. Garballey of Arlington then moved to amend the bill in section 89, in line 1702, by inserting after the word “proceedings.” the following sentence: “Nothing in this chapter shall be construed to prohibit pre-arraignment law enforcement based programs.” The amendment was adopted.

Ms. Khan of Newton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 147. Said 119 is hereby further amended by adding the following section:—

Section 86. (a) For the purposes of this section the following words shall have the following meanings unless the context clearly requires otherwise:

‘Juvenile’, a person appearing before a division of the juvenile court department who is subject to a delinquency, child requiring assistance or care and protection case or a person under the age of 21 in a youthful offender case.

‘Restraints’, devices that limit voluntary physical movement of an individual, including leg irons and shackles, which have been approved by the trial court department.

(b) A juvenile shall not be placed in restraints during court proceedings and any restraints shall be removed prior to the appearance of a juvenile before the court at any stage of a proceeding unless the justice presiding in the courtroom issues an order and makes specific findings on the record that: (i) restraints are necessary because there is reason to believe that a juvenile presents an immediate and credible risk of escape that cannot be curtailed by other means; (ii) a juvenile poses a threat to the juvenile’s own safety or to the safety of others; or (iii) restraints are reasonably necessary to maintain order in the courtroom.

(c) The court officer charged with custody of a juvenile shall report any security concern to the presiding justice. On the issue of courtroom or courthouse security, the presiding justice may receive information from the court officer charged with custody of a juvenile, a probation officer or any other source determined by the court to be credible.

The authority to use restraints shall reside solely within the discretion of the presiding justice at the time that a juvenile appears before the court. A juvenile court justice shall not impose a blanket policy to maintain restraints on all juveniles or a specific category of juveniles who appear before the court.”

The amendment was adopted.

Mr. Hecht of Watertown then moved to amend the bill by inserting after section 87 the following section:

“SECTION 87A. Section 1 of chapter 276A, as so appearing, is hereby amended by striking out, in lines 20 and 21, the words ‘certified or approved by the commissioner of probation under the provisions of section eight,’; and

By inserting after section 88 the following section:

“SECTION 88A. Sections 8 and 9 of said chapter 276A are hereby repealed.”

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Messrs. McKenna of Webster and Zlotnik of

Gardner moved to amend it by inserting after section 2 the following section:

“SECTION 2A. Section 167 of chapter 6 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting in line 5, after the word ‘conviction,’ the following words:— including a finding of guilty or not guilty by reason of insanity.”

After remarks the amendment was adopted.

Messrs. Pignatelli of Lenox and Holmes of Boston then moved to amend the bill by inserting after section 89 the following section:

“SECTION 89A. Chapter 6 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, after section 116F, the following new section:—

Section 116G. (a) As used in this section, ‘bias-free policing’ shall mean decisions made by law enforcement officers that shall not consider a person’s race, ethnicity, sex, gender identity, religion, mental or physical disability, immigration status or socioeconomic or professional level.

(b) The municipal police training committee, in consultation with the executive office of public safety and security, shall establish and develop an in-service training program designed to train law enforcement officials in the following areas:

(i) practices and procedures related to bias-free policing which shall include, but not be limited to, examining attitudes and stereotypes that affect the actions and decisions of law enforcement officers;

(ii) practices and techniques for law enforcement officers in civilian interaction and to promote procedural justice, which shall emphasize de-escalation and disengagement tactics and techniques and procedures that build community trust and maintain community confidence; and

(iii) handling mental health emergencies and complaints involving victims, witnesses or suspects with a mental illness or developmental disability, which shall include training related to common behaviors and actions exhibited by such individuals, strategies law enforcement officers may use for reducing or preventing the risk of harm and strategies that involve the least intrusive means of addressing such incidences and individuals while protecting the safety of the law enforcement officer and other persons; provided, however, that training presenters shall include certified mental health practitioners with expertise in the delivery of direct services to individuals experiencing mental health emergencies and victims, witnesses and suspects with a mental illness or developmental disability.

(c) The committee shall determine training requirements and minimum standards of the program that all law enforcement agencies throughout the commonwealth shall implement in their practices and training of law enforcement officials.”

The amendment was adopted.

Mr. Cabral of New Bedford and other members of the House then moved to amend the bill by adding the following section:

“SECTION 148. Chapter 127 of the General Laws is hereby amended by inserting after section 36B the following section:—

Section 36C. A correctional institution, jail, or house of correction shall not prohibit, eliminate, or unreasonably limit in-person visitation of inmates; or coerce, compel, or otherwise pressure an inmate to

Criminal
justice,—
reforms.

forego or limit in-person visitation. For the purposes of this section, an unreasonable limit shall include, but not be limited to, providing an eligible inmate fewer than 2 opportunities for in-person visitation during any 7-day period.

A correctional institution, jail, or house of correction may use video or other types of electronic devices for inmate communication with visitors; provided that such communications shall be in addition to, and may not replace, in-person visitation, as prescribed in this section.

A correctional institution, jail, or house of correction may charge a fee for video visitation communication for inmate communications not occurring on site; provided, however, that the fee shall not exceed the operating cost of the communication. Fees collected in excess of operating costs shall be allocated to the fund established under chapter 258C.

Nothing in this section shall prohibit the temporary suspension of visitation privileges for good cause including, but not limited to, misbehavior or during a bonafide emergency.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 74 the following section:

“SECTION 74A. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 to 17, the words ‘third or subsequent conviction for a violation of section 24 of chapter 90’, and inserting the words: ‘charge of a third or subsequent violation of section 24 of chapter 90 within 10 years of the previous conviction for such violation’.”

The amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 149. Sections 40 and 41 of this act shall take effect 6 months after the effective date of this act.”

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 150. Section 2 of Chapter 258C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word ‘crime’, in line 11, the following words:— ; ‘provided, however, that a claimant who was a victim under the age of criminal majority shall not be required to file such report within 5 days.’.”

The amendment was adopted.

The same members then moved to amend the bill by adding the following section:

“SECTION 151. Section 178Q of chapter 6 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting at the end thereof, the following:— The sex offender registry board shall, within 60 days of initial sex offender registration and annual sex offender registration, report to the department of revenue, the department of transitional assistance and the registry of motor vehicles the amount of any sex offender registration fee owed by the sex offender. The department of revenue shall intercept payment of such fee from tax refunds due to persons who owe all or a portion of such fee. The registry of motor vehicles shall not issue or renew a person’s driver’s

license or motor vehicle registration for any vehicle subsequently purchased by such person until it receives notification from the sex offender registry board that the fee has been collected.”

The amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 152. Sections 84 and 87 of this act shall take effect 6 months after the effective date of this act.”

The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 153. Sections 81, 82, 83, 84, 85 and 86 of this act shall take effect 6 months after the effective date of this act.”

The amendment was adopted.

Mr. Day of Stoneham then moved to amend the bill by inserting after section 45B (inserted by amendment) the following two sections:

“SECTION 45C. Section 57 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ‘a violation of section 53A of said chapter 272 that,’ and inserting in place thereof the following words:— charges of violating sections 26 and 53A of chapter 272 that;”

SECTION 45D: Said chapter 265 of the General Laws, as so appearing, is hereby amended by inserting after section 58 the following section:—

Section 59: (a) At any time after the entry of a judgment of disposition on an indictment or criminal or delinquency complaint for an offense under section 26, subsection (a) of section 53, or subsection (a) of section 53A of chapter 272 or under section 34 of chapter 94C for simple possession of a controlled substance, the court in which it was entered shall, upon motion of the defendant, vacate any conviction, adjudication of delinquency, or continuance without a finding and permit the defendant to withdraw any plea of guilty, plea of nolo contendere, plea of delinquent, or factual admission tendered in association therewith upon a finding by the court of a reasonable probability that the defendant’s participation in the offense was a result of having been a victim of human trafficking as defined by section 20M of chapter 233 or a victim of trafficking in persons under 22 U.S.C. 7102 provided that:

(1) Except as provided in paragraphs (2) and (3) of this subsection, the defendant shall have the burden to establish a reasonable probability that the defendant’s participation in the offense was the result of having been a victim of human trafficking;

(2) Where a child under the age of eighteen was adjudicated delinquent for an offense under section 26, subsection (a) of section 53, or subsection (a) of section 53A of chapter 272, based on allegations of prostitution, there shall be a rebuttable presumption that the child’s participation in the offense was a result of having been a victim of human trafficking or trafficking in persons;

(3) Where the conviction, adjudication of delinquency, or continuance without a finding was for an offense under section 26, subsection (a) of section 53, or subsection (a) of section 53A of chapter 272 committed when the defendant was 18 years of age or older, official

Criminal
justice,—
reforms.

documentation from any local, state, or federal government agency of the defendant's status as a victim of human trafficking or trafficking in persons at the time of the offense shall create a rebuttable presumption that the defendant's participation in the offense was a result of having been a victim of human trafficking or trafficking in persons, but shall not be required for granting a motion under this paragraph;

(4) For purposes of paragraph (3) of this subsection, 'official documentation' shall be defined as any document issued by a local, state, or federal government agency in the agency's official capacity;

(5) The rules concerning the admissibility of evidence at criminal trials shall not apply to the presentation and consideration of information at a hearing conducted pursuant to this section, and the court shall consider hearsay contained in official documentation from any local, state, or federal government agency of the defendant's status as a victim of human trafficking or trafficking in persons offered in support of a motion pursuant to this section; and

(6) A motion pursuant to this section may be heard by any sitting justice of a court of competent jurisdiction.

(b) Upon vacatur of a conviction, adjudication of delinquency, or continuance without a finding, the court shall enter a plea of not guilty. It shall be an affirmative defense to the charges against the defendant that, while a human trafficking victim, such person was under duress or coerced into committing the offenses for which such person is being prosecuted or against whom juvenile delinquency proceedings have commenced.

(c) The administrative justices of the superior court, district court, juvenile court and the Boston municipal court departments shall jointly promulgate a motion form for use under this section."

The amendment was adopted.

Messrs. Markey of Dartmouth and Hecht of Watertown then moved to amend the bill by adding the following section:—

SECTION 154. Section 24 of Chapter 279 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:— 'If a convict is sentenced to the state prison, except as a habitual criminal under section 25 of this chapter, the court shall not fix the term of imprisonment, but shall fix a maximum and a minimum term for which he may be imprisoned. The maximum term imposed shall not be longer than the longest term fixed by law for the punishment of the crime of which he has been convicted, and the minimum term imposed shall be a term at least twenty five percent less than the maximum term imposed by the court, except that, where an alternative sentence to a house of correction is imposed for the offense, a minimum state prison term may not be less than one year. In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and in the case of multiple life sentences arising out of separate and distinct incidents that occurred at different times, where the second offense occurred subsequent to the first conviction, the court shall fix a minimum term which shall be not less than 15 years nor more than 25 years.'

After remarks the amendment was rejected.

Ms. Khan of Newton then moved to amend the bill in section 87, in lines 1349 and 1350, by striking out the paragraph contained in those lines,

In lines 1421, 1424, 1426, 1427, 1429, 1454, 1457, 1459, 1460, 1462 and 1488 by striking out, in each instance, the words "the chief of police and";

In lines 1431, 1437, 1464, 1470, 1490, 1492 and 1498 by striking out, in each instance, the words "the chief of police or"; and

In lines 1515 and 1516 by striking out the following: "occurred not less than 10 years before the date on which the petition was filed;" and inserting in place thereof the following: "occurred not less than 7 years before the date on which the petition was filed if the offense that is the subject of the petition is a felony, and not less than 3 years before the date on which the petition was filed if the offense that is subject of the petition is a misdemeanor;"

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 128 members voted in the affirmative and 27 in the negative.

Amendments
adopted,—
yea and nay
No. 290.

[See Yea and Nay No. 290 in Supplement.]

Therefore the amendments were adopted.

Messrs. Day of Stoneham and Cassidy of Brockton then moved to amend the bill in section 49, in line 1115, by striking out the figures: "750" and inserting in place thereof the figures: "1,000";

In section 50, in line 1124, by striking out the figures: "900" and inserting in place thereof the figures: "1,200";

In section 51, in line 1128, by striking out the figures: "750" and inserting in place thereof the figures: "1,000";

In section 52, in line 1131, by striking out the figures: "1,500" and inserting in place thereof the figures: "2,000";

In section 53, in line 1134, by striking out the figures: "750" and inserting in place thereof the figures: "1,000";

In section 54, in line 1137, by striking out the figures: "6,000" and inserting in place thereof the figures: "8,000";

In section 55, in line 1140, by striking out the figures: "750" and inserting in place thereof the figures: "1,000"; and

In section 62, in line 1168, by striking out the figures: "750" and inserting in place thereof the figures: "1,000".

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Day of Stoneham; and on the roll call 118 members voted in the affirmative and 37 in the negative.

Amendments
adopted,—
yea and nay
No. 291.

[See Yea and Nay No. 291 in Supplement.]

Therefore the amendments were adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 43 the following section:

"SECTION 43A. Section 1 of chapter 263A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the definition of 'Critical witness' and inserting in place thereof the following definition:—

Criminal
justice,—
reforms.

'Critical witness', any person who is participating, has participated, or is reasonably expected to participate in a criminal investigation, motion hearing, trial, show cause hearing, or other criminal proceeding, or a proceeding involving an alleged violation of conditions of probation or parole, or the commitment of a sexually dangerous person pursuant to chapter 123A; or who has received a subpoena requiring such participation; who is, or was, in the judgment of the prosecuting officer, a necessary witness at one or more of the aforementioned types of proceedings, and who is or may be endangered by such person's participation in the aforementioned proceeding; or such person's relatives, guardians, friends or associates, who are or may be endangered by such person's participation in the aforementioned proceeding;"; and by inserting after section 63A (inserted by amendment) the following section:

"SECTION 63B. Chapter 268 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out section 13B, as so appearing, and inserting in place thereof the following section:—

Section 13B.

- (1) Whoever, directly or indirectly, willfully
 - (a) threatens, or attempts or causes physical injury, emotional injury, economic injury or property damage to,
 - (b) conveys a gift, offer or promise of anything of value to, or
 - (c) misleads, intimidates or harasses;
- (2) another person who is
 - (a) a witness or potential witness,
 - (b) a person who is or was aware of information, records, documents or objects that relate to a violation of a criminal statute, or a violation of conditions of probation, parole, bail, or other court order,
 - (c) a judge, juror, grand juror, attorney, victim witness advocate, police officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer,
 - (d) a person who is or was attending, or had made known his or her intention to attend a proceeding described in subsection (3)(a), or
 - (e) a family member of a person described in subsections 2(a) through 2(d);
- (3) with the intent to, or with reckless disregard that it may,
 - (a) impede, obstruct, delay, prevent or otherwise interfere with
 - (i) a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type, or a parole hearing, or parole violation proceeding, or probation violation proceeding; or
 - (ii) an administrative hearing, or a probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation, or any other civil proceeding of any type; or
 - (b) punish, harm or otherwise retaliate against any person described in subsection (2) for such person's or such person's family member's participation in any of the proceedings described in subsection (3)(a) shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in the house of correction for not more than two and one half years, or by a fine of not less than \$1,000 nor more than \$5,000, or by both such fine and imprisonment; or, if the proceeding which the misconduct is directed at is the investigation or prosecution

of a crime punishable by life imprisonment, or the parole of a person convicted of a crime punishable by life imprisonment, shall be punished by imprisonment in the state prison for life or for any term of years.

(4) As used in this section, 'investigator' shall mean an individual or group of individuals lawfully authorized by a department or agency of the federal government, or any political subdivision thereof, or a department or agency of the commonwealth, or any political subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a violation of the laws of the United States or of the commonwealth in the course of his official duties.

(5) As used in this section, 'harass' shall mean to engage in any act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress. Such act shall include, but not be limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

(6) A prosecution under this section may be brought in the county in which the criminal investigation, trial, or other proceeding is being conducted or took place, or in the county in which the alleged conduct constituting an offense occurred."

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 136 members voted in the affirmative and 18 in the negative.

Amendments
adopted,—
yea and nay
No. 292.

[See Ye and Nay No. 292 in Supplement.]

Therefore the amendments were adopted.

A statement of Mr. Fernandes of Falmouth was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the affirmative. I now find, however, that due to some inexplicable reason I was recorded as voting in the negative.

Statement of
Mr. Fernandes
of Falmouth.

Mr. Sánchez of Boston and other members of the House then moved to amend the bill in section 31, after line 574, by inserting the following paragraph:—

"Clinical Standards", standards which shall be promulgated by the Department of Correction in consultation with the Department of Mental Health.

In lines 616 to 628, inclusive, by striking out the two paragraphs contained in those lines and inserting in place thereof the following paragraph:—

"Serious mental illness", a current or recent diagnosis by a qualified mental health professional of 1 or more of the following disorders described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders: (i) schizophrenia and other psychotic disorders; (ii) major depressive disorders; (iii) all types of bipolar disorders;

Criminal
justice,—
reforms.

(iv) a neurodevelopmental disorder, dementia or other cognitive disorder; (v) any disorder commonly characterized by breaks with reality or perceptions of reality; (vi) all types of anxiety disorders; (vii) trauma and stressor related disorders; or (viii) severe personality disorders; or a finding by a qualified mental health professional that the prisoner is at serious risk of substantially deteriorating mentally or emotionally while confined in segregation, or already has so deteriorated while confined in segregation, such that diversion or removal is deemed to be clinically appropriate by a qualified mental health professional.

In lines 670, 673, 751, 754, 846, 850 and 853 by striking out, in each instance, the figures: "180" and inserting in place thereof the figures: "120",

In lines 838 to 844, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"(e) Every correctional institution, shall quarterly submit to the committee, the house and senate chairs of the joint committee on the judiciary and the house and senate chairs of the joint committee on public safety and homeland security a report that includes: (1) the age, race, ethnicity, gender, mental health diagnoses, and known disabilities of every prisoner who was placed in administrative or disciplinary segregation during the previous 3 months; (2) the reason segregation was instituted for each instance identified in the report; (3) the dates on which each prisoner was placed in and released from segregation during the previous 3 months; (4) the number of mental health professionals who work directly with prisoners in segregation; (5) the number of transfers to outside hospitals directly from segregation; and (6) the number of suicides and, separately, acts of non-lethal self-harm committed by prisoners held in segregation."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, as required under the provisions of House Rule 33F; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 293 in Supplement.]

Therefore the consolidated amendments were adopted.

Mr. Linsky of Natick and other members of the House then moved to amend the bill by adding the following section:

"SECTION 154. Section 127 in chapter 266 is hereby amended by striking out the section in its entirety and replacing it with the following:

Section 127. Whoever destroys or injures the personal property, dwelling house or building of another in any manner or by any means not particularly described or mentioned in this chapter shall, if such destruction or injury is willful and malicious, be punished by imprisonment in the state prison for not more than ten years or by a fine of three thousand dollars or three times the value of the damage caused to the property so destroyed or injured, whichever is greater and imprisonment in jail for not more than two and one-half years; or if such destruction or injury is wanton, shall be punished by a fine of one thousand dollars or three times the value of the damage to the property so destroyed or injured, whichever is greater, or by imprisonment for not more than two and one-half years; if the value of the damage to the property so destroyed or injured is not alleged to exceed one thousand dollars, the

punishment shall be by a fine of three times the value of the damage to property or by imprisonment for not more than two and one-half years; provided, however, that where a fine is levied pursuant to the value of the damage to the property destroyed or injured, the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the damage to the property so destroyed or injured. The words 'personal property', as used in this section, shall also include electronically processed or stored data, either tangible or intangible, and data while in transit."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 118 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 294 in Supplement.]

Therefore the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 45D (inserted by amendment) the following section:

"SECTION 45E. Chapter 265 of the General Laws is hereby amended by adding the following section:

Section 59. Any person who, in violation of chapter 94C, manufactures, distributes, or dispenses heroin, fentanyl, methamphetamine, lysergic acid diethylamide, phencyclidine (PCP) or any other controlled substance in Class A, Class B, or Class C, as set forth at section 31 of chapter 94C, is strictly liable for a death which results from the injection, inhalation or ingestion of that substance, and shall be punished by imprisonment for life or for any term of years as the court may order, and by a fine of not more than \$25,000; provided, however, that the sentence of imprisonment imposed upon such person shall not be reduced to less than 5 years, nor suspended, nor shall any such person be eligible for probation, parole or furlough or receive a deduction from his or her sentence for good conduct until such person shall have served 5 years of such sentence.

For purposes of this section, a person's act of manufacturing, distributing, or dispensing a substance is the cause of a death when:

(a) The injection, inhalation or ingestion of the substance is an antecedent but for which the death would not have occurred; and

(b) The death was proximately caused by a person who manufactured, distributed, or dispensed such substance.

It shall not be a defense to a prosecution under this section that the decedent contributed to his or her own death by such decedent's purposeful, knowing, reckless or negligent injection, inhalation or ingestion of the substance or by such decedent's consenting to the administration of the substance by another. Nothing in this section shall be construed to preclude or limit any other prosecution for homicide."

Ms. Cronin of Easton then moved that the amendment be amended by adding the following section:

"SECTION 45F. Notwithstanding any general or special law to the contrary, the provisions of section 45E shall not take effect until such time as the executive office for administration and finance, in conjunction with the executive office of public safety and security, has furnished

Amendment
adopted,—
yea and nay
No. 294.

Consolidated
amendments
adopted,—
yea and nay
No. 293.

Criminal justice,— reforms.

a study of the legislation's impact on public safety and its impact on the economy of the commonwealth and its municipalities, including, but not limited to, a distributional analysis of the impact to taxpayers of varying income levels, the current practice of other states, anticipated changes in employment levels and other ancillary economic activity to the joint committee on public safety and homeland security, and until legislation has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

After debate on the question on adoption of the further amendment (Mr. Mariano of Quincy being in the Chair), the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 110 members voted in the affirmative and 41 in the negative.

[See Yeas and Nays No. 295 in Supplement.]

Therefore the amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Linsky of Natick then moved to amend the bill by inserting after section 97 the following section:

“SECTION 97A. Notwithstanding any special or general law to the contrary, there shall be a special commission established to investigate and study the integrity of forensic analysis performed in state and municipal laboratories. The commission shall consist of 11 members who shall be appointed by the governor as follows: 1 of whom shall have expertise in forensic science; 1 of whom shall have expertise in cognitive bias; 1 of whom shall work in academia in a research field adjacent to forensic science; 1 of whom shall have expertise in statistics; 1 of whom shall have expertise in forensic laboratory management; 1 of whom shall have expertise in clinical quality management; 1 of whom shall be nominated by the Massachusetts District Attorneys Association; 1 of whom shall be nominated by the Attorney General of Massachusetts, who shall serve as chair; 1 of whom shall be nominated by the Committee of Public Counsel Services; 1 of whom shall be nominated by the Massachusetts Association of Criminal Defense Lawyers; and 1 of whom shall be nominated by the New England Innocence Project. No member, other than those nominated by the Massachusetts District Attorneys Association, the Attorney General of Massachusetts, the Committee of Public Counsel Services or the New England Innocence Project shall be employed by or affiliated with any state or municipal forensic laboratory throughout the term of membership.

The investigation shall include, but not be limited to:

- (a) evaluating the manner in which forensic laboratories report professional negligence or misconduct;
- (b) identifying professional negligence or misconduct that could affect the integrity or results of forensic analysis;
- (c) evaluating laboratory accreditation and professional licensing processes;
- (d) identifying measures to improve the quality of forensic analysis performed in laboratories; and
- (e) recommending improvements to education and training in forensic science.

Further amendment adopted,— yeas and nays No. 295.

The commission shall file the findings of its study by December 31, 2018, with the clerks of the house and the senate, who shall forward the report to the chairmen of the house committee on ways and means, the senate committee on ways and means, and the joint committee on the judiciary.”.

The amendment was adopted.

Mr. Donato of Medford being in the Chair,—

After debate, the Chair (Mr. Donato) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 121 members voted in the affirmative and 32 in the negative.

Suspension of Rule 1A.

Rule 1A suspended,— yeas and nays No. 296.

[See Yeas and Nays No. 296 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Rushing of Boston and other members of the House then moved to amend the bill by inserting after section 2A (inserted by amendment) the following two sections:

“SECTION 2B. Section 18¾ of chapter 6A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following 4 paragraphs:—

(1) (i) to establish data collection and reporting standards for criminal justice agencies and the trial court to enable the submission of data by the department of correction, houses of correction and county jails to capture and report information on their populations, including recording all applicable charges and convictions. The secretary shall require that the department, houses of correction and county jails promulgate regulations regarding: (i) the format for the submission of the data and (ii) the categories and types of data required to be submitted, including, but not limited to: (A) the unique statewide identification number assigned to each person who enters the criminal justice system known as the probation central file number, (B) the offense for which the person has been incarcerated; (C) the date and time of the offense, (D) the location of the offense, (E) the race, ethnicity, gender, age of the person, whether the person is a primary caretaker of a child and the status of the person's reproductive health needs; (F) risk and needs assessment scores; (G) participation and completion of evidence-based programs; and (H) dates entering and exiting the jail or the date entering the department or house of correction custody, wrap-up release date and actual release date.

(ii) the data collected pursuant to clause (i) shall be in the form of a cross-tracking system for data collection and reporting standards for criminal justice agencies and the trial court, including houses of correction and county jails. The cross-tracking system shall require all criminal justice agencies and the judiciary to use the probation central file number assigned to each person who enters the criminal justice system. All criminal justice agencies and the trial court shall incorporate the probation central file number into their data systems upon a person's initial transfer to their jurisdiction. Anonymized cross-agency data shall be made available to the public for analysis through an application

Criminal
justice,—
reforms.

programming interface which allows access to all electronically available records.

(12) to establish data collection and reporting standards for criminal justice agencies and the trial court relative to recidivism rates for rearraignment, reconviction and reincarceration. Recidivism rates, determined by the data collected, shall be reported annually to the secretary. The data shall be submitted by each criminal justice agency and the judiciary to the secretary who shall subsequently publish the information quarterly on the executive office of public safety and security website. Reported data shall be tracked over 1, 2 and 3 year periods and include categorizations by race, ethnicity, gender and age.

(13) to establish data collection and reporting standards for criminal justice agencies and the trial court to standardize methods of reporting of race and ethnicity data to facilitate assessment of the racial and ethnic composition of the criminal justice population of the commonwealth. The criminal justice agencies and the trial court, including houses of correction and county jails, shall coordinate to ensure that racial and ethnic data related to populations, trends and outcomes is reported accurately to the secretary of the executive office of public safety and security and the public.

(14) The data collection and reporting standards established in paragraphs 11, 12 and 13 shall be developed in consultation with the executive office of technology services and security.

SECTION 2C. Chapter 7D of the General Laws, as appearing in the 2016 Official Edition, is amended by adding the following section:—

Section 11. There shall be an inter-branch, interagency oversight board to monitor and ensure that the justice reinvestment policies relative to data collection and its availability to the public achieve anticipated goals. The board shall consist of 16 members: the secretary of the executive office of technology services and security, who shall serve as chairperson; the attorney general or a designee; the chief justice of the trial court or a designee; the secretary of the executive office of public safety and security or a designee; the commissioner of probation or a designee, the chief counsel of the committee for public counsel services or a designee; the commissioner of correction or a designee; a member of the Massachusetts District Attorneys Association; a member of the Massachusetts Sheriffs Association, Inc.; the senate chair of the joint committee on the judiciary or a designee; the house chair of the joint committee on the judiciary or a designee; the chief legal counsel of the Massachusetts Bar Association or a designee; the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; and 3 members appointed by the governor: 1 of whom shall be an expert in addressing racial, ethnic, gender or age bias and 2 of whom shall be experts in data collection and analysis.

The board shall meet quarterly to review the compliance of: (i) criminal justice agencies and the trial court, including the probation service, the parole board, the executive office of public safety and security, the department of correction, houses of correction and county jails in: (1) collecting and submitting data required by paragraphs 11, 12 and 13 of section 18¾ of chapter 6A; (2) making said data available to the public as required by said paragraphs 11, 12 and 13 of said section 18¾

through the development of data portals to make data without personally identifiable information so available; and (ii) criminal justice agencies and the trial court, including the department of correction, houses of correction and county jails, with polices ensuring risk assessment accurately predict outcomes across racial, ethnic, and gender classifications; provided, that compliance shall include a review of whether the tools are appropriately screening for gender-specific risk or needs that may be addressed by evidence-based programs. A report on the collection of data and the compliance with justice reinvestment policies shall be submitted annually to the clerks of the house of representatives and the senate on or before July 1.”.

The amendment was adopted.

Mr. Sánchez of Boston then moved to amend the bill in section 11, in lines 128, 150, 172, 193, and 214 by striking out, in each instance, the word “he” and inserting in place thereof the words “the defendant”;

In lines 133, 155, 176, 197, and 218 by inserting after the word “his”, in each instance, the words “or her”;

In lines 134, 156, 177, 198, and 219 by inserting after the word “he” the following words “or she”;

In section 28, in line 401, by inserting after the words “forth the”, the word “, gender”, in line 402 by inserting after the words “which the” the word “, gender”;

In line 478 by inserting after the word “any” the word “, gender”;

And in lines 910, 911 and 912, and also in lines 946, 947 and 948 by striking out, in each instance, the sentences contained in those lines;

In lines 997 through 1002, inclusive, by striking out the text contained in those lines;

In line 1002 by striking out the following: “(f)” and inserting in place thereof the following: “(e)”;

In section 85, in line 1743, by inserting after the words “data on” the word “, gender”.

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House taken by yeas and nays, at the request of Ms. Cronin of Easton; and on the roll call 144 members voted in the affirmative and 9 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 297.

[See Yea and Nay No. 297 in Supplement.]

Therefore the bill (Senate, No. 2200, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (see House document numbered 4043, published as amended).

Recess.

At nine minutes after nine o'clock P.M. (Tuesday, November 14), on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until the following day at twelve o'clock noon; and, at three minutes before twelve o'clock noon, there being no objection, the House was called to order with the Speaker in the Chair.

Recess.

Wednesday, November 15, 2017 (at 11:57 o'clock noon).

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

Prayer.

We give thanks today and we pray for the newest members of the House, 3rd Essex Representative Andy Vargas and 1st Berkshire Representative John Barrett.

God of Justice and Peace, we ask Your Blessing today upon all the members of our House and their staff as the legislative year winds down. We are thankful for the many pieces of proposed legislation that were reviewed, amended and passed into law these past several months. The hard work gained many representatives well deserved feathers in their caps.

We remember that it was on this day in 1849 that the first poultry show in America was held just down the street here in Boston in the area that is now called the Boston Public Garden.

Dr. John Bennett of Plymouth, a breeder of various chickens, was the organizer. At that time, the Public Garden was "just a plot of partially filled in 'back bay' land, part of which was under water at high tide". Over 10,000 visitors paid four-pence (about \$1.00 in today's currency) to enter the large canvas tent that sheltered the poultry show.

The show drew some 219 exhibitors, including Daniel Webster of Marshfield. The Boston Poultry show is now held each year in Oxford, Massachusetts.

May God continue to bless our Commonwealth.

Pledge of allegiance.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

Fire Chief Mario Orangio.

Subsequent to the afternoon recess, at the request of Representatives Hecht of Watertown and Lawn of Watertown (Mrs. Haddad of Somerset being in the Chair), the members, guests and employees stood in a moment of silent tribute to the memory of Fire Chief Mario A. Orangio, who passed away on November 7, 2017.

Chief Orangio was appointed a firefighter in Watertown in 1989 and served as Chief of the Watertown Fire Department from 2004 until last month. He was also Past President of the Fire Chiefs' Association of Massachusetts. He is survived by his wife Sandra, daughters Katlyn, Jaclyn and Jocelyn, and his granddaughter Harper Jean.

Special Communications.

The following communications, together with returns of votes and schedules therein referred to, were received from the Secretary of the Commonwealth, to wit:—

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

November 15, 2017.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the seventh day of November, 2017, for Representative in the General Court, 1st Berkshire District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of votes for Representative in the First Berkshire District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON 02133

November 15, 2017.

To the Honorable House of Representatives:

I have the honor to lay before you the returns of votes cast at the special election held in this Commonwealth on the seventh day of November, 2017, for Representative in the General Court, 3rd Essex District, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

Returns of votes for Representative in the Third Essex District.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the House of Representatives, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

The communications severally were read; and, there being no objection, they were placed on file.

Order.

On motion of Mr. Mariano of Quincy,—

Ordered, That a special committee of the House be appointed to wait upon His Excellency the Governor and inform him that Representatives-elect John Barrett, III of the 1st Berkshire District and Andres X. Vargas of the 3rd Essex District are assembled in the Chamber of the House of Representatives and are ready to take the oaths and affirmations of qualification.

Governor notified.

Governor notified.

The Speaker then appointed Representatives Nangle of Lowell, DiZoglio of Methuen, Campbell of Methuen, Pignatelli of Lenox, Mark of Peru, Poirier of North Attleborough, Kulik of Worthington, Ferguson of Holden, Tyler of Boston, Williams of Springfield and Kocot of Northampton as the special committee of the House.

Subsequently Mr. Nangle of Lowell, for the committee, reported that they had attended to the duties assigned to them, and that the Governor had stated that he would attend forthwith and administer the oaths of office.

Members Qualified.

Representatives John Barrett of North Adams and Andres X. Vargas of Haverhill,— qualification.

Soon afterward His Excellency the Governor, Charles D. Baker, accompanied by Lieutenant-Governor Karyn E. Polito and members of the Honorable Council came in; the oaths and affirmation required by the Constitution and laws was administered by the Governor to the members-elect then present, and were subscribed by them; after which His Excellency declared that the members were duly qualified to enter upon the discharge of their duties.

His Excellency the Governor, the Lieutenant Governor and the Honorable Councillors present then departed the Chamber under escort of the Sergeant-at-Arms.

After brief remarks by each of the newly qualified members, the Speaker assigned Mr. Barrett to Seat No. 115 and Mr. Vargas to Seat No. 125.

Distinguished Guests.

Distinguished guests.

The Speaker announced that in attendance during the session were many distinguished guests, including State Auditor Suzanne M. Bump, Senators Forry, Hinds, L'Italien and O'Connor-Ives, and former Representative and Medford Mayor Michael McGlynn.

Message from the Governor.

Mr. Donato of Medford being in the Chair,—

Addiction,— prevention.

A message from His Excellency the Governor recommending legislation relative to combatting addiction, accessing treatment, reducing prescriptions, and enhancing prevention (House, No. 4033), was filed in the office of the Clerk on Tuesday, November 14.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Mental Health, Substance Use and Recovery. Sent to the Senate for concurrence.

Statement of Representative Meschino of Hull.

Statement of Representative Meschino of Hull.

A statement of Ms. Meschino of Hull was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be unable to be present in the House Chamber for the remainder of today's sitting due to a previously scheduled commitment. My missing of roll calls today will be due entirely to the reason stated.

Statement Concerning Representative Walsh of Framingham.

A statement of Mr. Moran of Boston concerning Mr. Walsh of Framingham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Walsh of Framingham, was unable to be present in the House Chamber for today's session due to his undergoing chemotherapy treatment at Dana Farber Cancer Institute. If he had been present today, he would have voted in the affirmative, in each instance, on Yea and Nay, No. 298, on acceptance of the conference committee report on House, No. 4032; on Yea and Nay, No. 300, on passing to be enacted House, No. 3920; on Yea and Nay, No. 301, on passing to be engrossed House, No. 4036; on Yea and Nay, No. 302, on passing to be enacted House, No. 4015; and also on Yea and Nay, No. 305, on passing to be engrossed House, No. 4018. His missing of roll calls today was due entirely to the reason stated.

Statement concerning Mr. Walsh of Framingham.

Statement of Representative Scaccia of Boston.

A statement of Mr. Scaccia of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for latter part of yesterday's session. Had I had been present, I would have voted in the affirmative, in each instance, on Yea and Nay, Nos. 290, 293 and 297, concerning House, No. 4011.

Statement of Mr. Scaccia of Boston.

Resolutions.

The Speaker being in the Chair,—

Resolutions (filed with the Clerk by Representatives Schmid of Westport, Silvia of Fall River, Whelan of Brewster, Scaccia of Boston and Dykema of Holliston) recognizing Warren C. Griffin's election to National Judge Advocate of the Marine Corps League, were referred under Rule 85, to the committee on Rules.

Warren Griffin.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Schmid of Westport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Guests of the House.

The Speaker then declared a brief recess, and introduced Warren Griffin of Holliston, the National Judge Advocate of the Marine Corps League. Mr. Griffin was accompanied by James Laskey, past National Commandant of the Marine Corps League, Bernard Heaney, National Auditor of the Marine Corps League; and John MacGillivray. The Speaker then presented to Mr. Griffin the resolutions adopted by the House, congratulating him on his many achievements. Mr. Griffin then addressed the House briefly.

Warren Griffin.

Papers from the Senate.

Mr. Donato of Medford being in the Chair,—

Handicapped parking.

The Senate Bill relative to handicapped parking (Senate, No. 2178, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3973, amended), with a further amendment striking out the text of the House amendment and inserting in place thereof the text contained in Senate document numbered 2214.

The Senate further amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Subsequently the further amendment (having been reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Lanesborough,— bridge.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue bridge over Lake Pontoosuc (House, No. 3920, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in lines 10 to 15, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "The portions of the land are shown on a plan of land entitled 'Easement Plan of Land Narragansett Avenue Over Lake Pontoosuc Lanesborough, Massachusetts', dated August 18, 2016, as follows: 'parcel E-3,' containing 650 square feet, more or less; 'parcel E-4,' containing 3,295 square feet, more or less; 'parcel E-6,' containing 1,640 square feet, more or less; 'parcel TR-3,' containing 12,060 square feet, more or less; and 'parcel TE-5,' containing 6,947 square feet, more or less.'"

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Subsequently the amendment (having been reported by said committee to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Public employees,— death benefits.

A petition of Eric P. Lesser for legislation to provide fair and equitable line of duty death benefits for public employees, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2215) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Schools,— language opportunity.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2134) of the House Bill relative to language opportunity for our kids (House, No. 3740),— recommending passage of a bill with the same title (House, No. 4032),— be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Peisch of Wellesley, the report was considered forthwith.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 155 members voted in the affirmative and 1 in the negative.

Conference committee report accepted,— yea and nay No. 298.

[See Yea and Nay No. 298 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence

By Mr. Sánchez of Boston, for the committee on Ways and Means, that the Bill relative to Gardner Heritage State Park (House, No. 4027), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Gardner Heritage State Park.

Mr. Murphy of Weymouth, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Haddad of Somerset, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Wagner of Chicopee, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the city of Gardner".

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4037), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Rebecca Owumi [sic] an employee of the Essex County Sheriff's Department (House, No. 4035). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Rebecca Owumi,— sick leave.

Under suspension of the rules, on motion of Mr. Wong of Saugus, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Wagner of Chicopee, the bill (having been reported by the committee on Bills in the Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act establishing a sick leave bank for Rebecca Owumi [sic] an employee of the Essex County Sheriff's Office.". The bill (House, No. 4035) then was sent to the Senate for concurrence.

By Mr. Murphy of Weymouth, for the committee on Steering, Policy and Scheduling, that the House Bill amending the charter of the town of Bourne (House, No. 3918) [Local Approval Received], be scheduled for consideration by the House.

Bourne,— charter.

Under suspension of Rule 7A, on motion of Mrs. Haddad of Somerset, the bill was read a second time forthwith; and it was ordered to a third reading.

Matters Discharged from the Orders of the Day.

The Senate Bill establishing the month of May as Cystic Fibrosis Awareness Month (Senate, No. 2137), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Howitt of Seekonk and it was passed to be engrossed, in concurrence.

Cystic Fibrosis month.

The House Bill establishing a sick leave bank for Gary Erskin, an employee of the Department of Public Health (House, No. 3989), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith, under suspension of the rules, on motion of Mr. Miceli of Wilmington.

Gary Erskin,— sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in line 7 by striking out the words "Department of Public Health paid" and inserting in place there of the words "extended illness".

The amendment was adopted; and the bill (House, No. 3989, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Rosibel Umanzor, an employee of the Department of Public Health (House, No. 4007), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time forthwith under suspension of the rules, on motion of Mr. McMurtry of Dedham.

Rosibel Umanzor,— sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

"Notwithstanding any general or special law to the contrary, the department of public health shall establish a sick leave bank for Rosibel Umanzor, an employee of the department. Any employee of the department may voluntarily contribute 1 or more sick, personal or vacation days to the sick leave bank for use by Rosibel Umanzor. If Rosibel Umanzor terminates employment with the department or requests to dissolve the sick leave bank, any remaining time in the sick leave bank shall be transferred to the extended illness leave bank. Sick leave bank days shall not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the department."

The amendment was adopted; and the bill (House, No. 4007, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The Senate amendment of the House providing for immediate capital improvement needs of the Commonwealth (House, No. 4015, amended), was discharged from its position in the Orders of the Day and considered

Capital improvements.

forthwith, under suspension of Rule 47, on motion of Mr. Wagner of Chicopee.

The committee on Bills in the Third Reading reported recommending the House non-concur with the Senate in its amendment; and the report was accepted.

The House then non-concurred with the Senate in its amendment. The bill then was sent to the Senate for its action.

Recess.

At five minutes before one o'clock P.M., on motion of Mr. Vieira of Falmouth (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at one minute after three o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measures.

The engrossed Bill authorizing the Department of Elder Affairs to establish a home care worker registry (see House, No. 3821, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Home care worker registry.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 28 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

The engrossed Bill relative to a study of the trauma registry in the Department of Public Health (see House, No. 3827), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Trauma registry.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 22 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

The engrossed Bill renaming Muddy pond in the city known as the town of Barnstable to be called Crocker pond (see House, No. 3679, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Barnstable,— Crocker pond.

Barnstable,—
Crocker
pond.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 23 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Yarmouth,—
Donovan
bridge.

The engrossed Bill designating a certain bridge in the town of Yarmouth as the Lance Corporal William Joseph Donovan Jr. memorial bridge (see House, No. 3960), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 16 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Tisbury,—
payment.

The engrossed Bill authorizing the town of Tisbury to pay a certain unpaid bill (see House bill printed in House, No. 3710) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills
Establishing the month of May as Cystic Fibrosis Awareness Month (see Senate, No. 2137) (which originated in the Senate);

Directing the Fall River Retirement Board to pay a certain retirement benefit to the surviving spouse of Adam Franco (see House, No. 2790);

Relative to the authority of the town administrator of the town of Harvard (see House, No. 3772);

Authorizing the town of Milford to appoint water commissioners (see House, No. 3784);

Authorizing the city of Revere to pay a certain sum of money (see House, No. 3876); and

Authorizing the city of Medford to grant certain licenses to the Chevalier Theatre for the sale of food and alcoholic beverages (see House, No. 3991);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to handicapped parking (see Senate, No. 2178, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage. Handicapped parking.

After remarks on the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoisett; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 299 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Subsequently a statement of Ms. Decker of Cambridge was spread upon the records of the House as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, I was unable to be present in the House Chamber due to business outside of the State House. If I had been present, I would have voted in the affirmative.

Emergency Measure.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue bridge over Lake Pontoosuc (see House, No. 3920, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 55 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Ye and Nay No. 300 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Subsequently a statement of Ms. Decker of Cambridge was spread upon the records of the House as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, I was unable to be present in the House Chamber due to business outside of the State House. If I had been present, I would have voted in the affirmative.

Handicapped parking.

Bill enacted,—
yea and nay
No. 299.

Statement of
Ms. Decker
of Cambridge.

Lanesborough,—
land.

Bill enacted
(land taking)—
yea and nay
No. 300.

Statement of
Ms. Decker
of Cambridge.

Reports of Committees.

Mrs. Haddad of Somerset being in the Chair,—

Mr. Sánchez of Boston, for the committee on Ways and Means, on House, No. 3869, reported, in part, a Bill relative to the Soldiers' Home in Holyoke (House, No. 4036). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Murphy of Weymouth, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Vega of Holyoke, the bill was read a second time forthwith; and it was ordered to a third reading.

Under further suspension of the rules, on motion of Mr. Wagner of Chicopee, the bill was read a third time.

On the question on passing the bill to be engrossed, the sense of the House taken by yeas and nays, at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 301 in Supplement.]

Therefore the bill was engrossed. Sent to the Senate for concurrence.

Emergency Measure.

The engrossed Bill providing for immediate capital improvement needs of the Commonwealth (see House, No. 4015), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 57 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 302 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills
Relative to language opportunity for our kids (see House, No. 4032);
and
Relative to the Soldiers' Home in Holyoke (see House, No. 4036)
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Holyoke Soldiers' Home.

Bill passed to be engrossed,—yea and nay No. 301.

Capital improvements.

Bill enacted.

Bill enacted (state loan),—yea and nay No. 302.

Bills enacted.

Matters Discharged from the Orders of the Day.

The House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4018), was read a third time, under suspension of the rules, on motion of Mr. Sánchez of Boston.

The Chair (Mrs. Haddad of Somerset) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M. Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 120 members voted in the affirmative and 32 in the negative. Rule 1A suspended,—yea and nay No. 303.

[See Yea and Nay No. 303 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Sánchez of Boston and other members of the House then moved to amend the bill in section 2, in item 1102-2017, by adding the following: " provided further, that \$30,000,000 shall be expended for the renovation and construction of the Bristol County Agricultural High School facilities located in the town of Dighton; provided further, that \$6,000,000 shall be expended for the replacement of a parking garage between Columbus Avenue and Summer Streets in the city of Pittsfield; provided further, that \$985,000 shall be expended for the renovation and improvement of the Flynn Ice Rink in the city of Medford; provided further, that \$5,000,000 shall be expended to rebuild the department of conservation and Recreation's Metropolis Ice Rink located in the town of Canton; provided further, that \$1,000,000 shall be expended for repairs and improvement of the Route 146 Pedestrian Bridge at the Blackstone Heritage Corridor Visitor Center in the city of Worcester; provided further, that \$2,000,000 shall be expended for the expansion of the environmentally-controlled vault capacity at the Massachusetts Archives Facility on Columbia Point; provided, further, that \$10,000,000 shall be expended for the study, design and construction of a fire station in the town of Winthrop; provided further, that \$1,000,000 shall be expended for coastal infrastructure projects in the city known as the town of Weymouth; provided further, that \$1,000,000 shall be expended for the repairs and improvement of the Stone Cottage location at High Rock Reservation in the city of Lynn; provided that the division of capital asset management and maintenance shall be required to provide estimates of the cost of the relocation of state offices, data centers, customer service facilities, and all other state facilities from a current location, whether through lease or purchase by the state, to a new location prior to the selection of a new location by the division; provided further, that \$750,000 shall be expended for the design and construction of the old comfort station building in the Mattapan square neighborhood in the city of Boston; provided further, that \$250,000 shall be expended for the design and construction of public access to the Neponset river alongside the property owned by the department of conservation and recreation on Edgewater Drive in the Mattapan section in the city of Boston; provided further, that \$500,000 shall be expended for the study of a soldier's home in central Massachusetts and the division of capital asset management and maintenance properties located on Old Common Road in Lancaster; provided further, that \$500,000 shall be expended towards Consolidated amendments.

Consolidated
amendments.

infrastructural improvements to the Massachusetts Bay Transit Authority bus depot in Arlington Heights; provided further, that \$4,000,000 shall be expended towards infrastructural improvements to the commuter rail station in West Medford section of the city of Medford; provided further, that \$1,000,000 shall be expended towards facility improvements to the Ed Burns Arena Skating Rink located in the town of Arlington; provided further, that \$1,000,000 shall be expended for the revitalization of Milton Landing Waterfront in the town of Milton; provided further, that \$1,000,000 shall be expended for the renovation and improvement of the Connery Memorial Rink in the city of Lynn; provided further, that \$1,000,000 shall be expended for improvements and repairs at the Blue Hills Trailside Museum in the town of Milton; provided further, that \$100,000 shall be expended for the renovation and improvements of the Lynn Heritage State Park Visitor's Center in the city of Lynn; provided further, that \$500,000 shall be expended for the reduction of noise pollution along the Interstate 93 corridor in the city of Somerville; provided, that \$1,000,000 be expended for improvements at Smith Vocational and Agricultural High School in the city of Northampton; provided further that \$2,000,000 shall be expended on a grant program to provide for capital improvements at accredited veterans organization facilities; provided further, that \$1,000,000 shall be expended for capital improvements to the Hampshire Heights public housing facility in the city of Northampton; provided, further that \$15,000,000 shall be expended for highway improvements along the Massachusetts turnpike in the town of Weston”.

In item 4000-2025 by adding the following: “; provided further, that \$10,000,000 shall be expended for design, construction and relocation of the Department of Youth Services Paul T. Leahy Center in the city of Worcester”.

In item 7066-8110 by adding the following: “; provided further, that \$35,000,000 shall be expended for a new STEM Discovery Facility to advance STEM programs in the colleges of engineering, arts and sciences, and nursing at the University of Massachusetts at Dartmouth; provided further, that \$30,000,000 shall be expended for a new Integrated Learning Facility at the University of Massachusetts at Dartmouth; provided further, that \$5,000,000 shall be expended for the Whittemore Library for the creation of a regional collaborative education center at Framingham State University; provided further, that \$3,300,000 shall be expended for the renovation of the Crocker Hall at Framingham State University; provided further, that \$3,600,000 shall be expended for infrastructure upgrades at Roxbury Community College; provided further, that \$15,000,000 shall be expended for a new allied health academic facility to be located in Framingham; provided further that \$2,500,000 shall be expended for the deferred maintenance of North Shore Community College; provided further that \$15,000,000 shall be expended for capital improvements to the Lowell campus of the University of Massachusetts”.

In item 8000-3502 by adding the following: “; provided further, that \$3,000,000 shall be expended for the purpose of designing and constructing new police headquarters in the city of Beverly; provided further, that \$20,000,000 shall be expended for design and construction of the city of Boston's Emergency Operations Center; provided further,

that \$500,000 shall be expended for the renovation and remodeling of the public safety building in the town of Wakefield; provided further that \$1,000,000 shall be expended for the renovation or construction of a fire station in the town of Bernardston; provided further, that \$1,000,000 shall be expended for repairs and renovations to the Boston Fire Department Engine 42 in the Roxbury neighborhood of the city of Boston; provided further, that \$1,000,000 shall be expended repair and rehabilitation of fire stations in the city of Lynn; provided further, that \$5,000,000 [A] shall be expended on the Lawrence Public Safety Complex in the city of Lawrence; provided further, that \$75,000 shall be expended for the cost of renovation and repairs of the facilities in the State Police Barracks located in the town of Lee; provided further, that \$1,000,000 shall be expended for repairs and renovations to the Boston Police Department Headquarters in the Roxbury neighborhood of the city of Boston; provided further, that \$10,000,000 shall be expended for construction of a public safety complex in the city of Medford; provided further, that \$1,000,000 shall be expended for the purpose of designing and constructing a new public safety complex in the town of Southampton; provided further, that \$3,000,000 shall be expended for the purpose of designing and constructing a town garage and public safety facility in the town of Montgomery; provided further, that \$500,000 shall be expended for the study of a combined public safety training facility in the commonwealth”;

By striking out section 2A and inserting in place thereof the following section:

“SECTION 2A.

EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE.

Division of Capital Asset Management and Maintenance.

JUDICIARY.

Trial Court.

1102-5700 For capital needs at court facilities, including, but not limited to, expenditures for the planning, design and acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer or by eminent domain under chapter 79 of the General Laws, the preparation of plans and specifications, the construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair and improvements, including equipment and temporary relocation costs, as needed for priority projects identified by the division of capital asset management and maintenance and the executive office of the trial court; for building repairs necessary to correct unsafe and overcrowded conditions, for the remediation of life safety code violations, for the remediation of access code and civil rights violations, for the remediation of environmental hazards and

for security improvements and other necessary repairs at court facilities owned by the commonwealth or by political subdivisions of the commonwealth; provided, that expenditures made from this item shall include, but not be limited to, expenditures for the projects identified through the draft court capital master plan, dated April 2017; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that \$150,000,000 shall be expended for costs of the reconstruction or replacement of court facilities located in the city of Quincy; provided further, that \$4,500,000 shall be expended to determine scope, square footage and cost of replacement for a new Suffolk county high rise; provided further, that \$500,000 shall be expended for a feasibility study to determine scope on a Southern Middlesex facility; provided further, that \$30,000,000 shall be expended for costs of modernization of the court facility located in the city of Malden to address envelope, life safety, holding and security, MEP systems and cross circulation; provided, further, that \$45,000,000 shall be expended for the modernization of Brockton superior court to address envelope, life safety, holding and security, MEP systems and cross circulation; provided, further, that \$45,000,000 shall be expended for modernization of the court facility located in the city of Lynn to address life safety, holding and security, MEP systems and cross circulation; provided, further, that \$20,000,000 shall be expended for modernization of the court facility located in the city of Attleboro to address life safety, holding and security, MEP systems and cross circulation; provided, further, that \$20,000,000 shall be expended for modernization of the court facility located in the city of Northampton to address life safety, holding and security, MEP systems and cross circulation; provided, further, that \$20,000,000 shall be expended for upgrades at the district court of Fitchburg; provided, further, that \$20,000,000 shall be expended for renovations and construction at the first district court of southern Middlesex, held at Framingham; provided, further, that \$10,000,000 shall be expended for capital improvements to the East Boston division of the

Boston municipal court; provided, further, that \$10,000,000 shall be expended for costs of renovations at the district court of central Berkshire, held at Pittsfield; provided, further, that \$15,000,000 shall be expended for renovations at the second district court of Plymouth, held at Hingham; provided, further, that \$7,000,000 shall be expended for the renovation of the district court of central Middlesex, held at Concord; provided, further, that \$12,000,000 shall be expended for the costs of renovations at the fourth district court of Plymouth, held at Wareham; provided, further, that \$15,000,000 be expended for renovations at the first district court of southern Worcester.; provided, further, that \$10,000,000 shall be expended for renovations at the third district court of eastern Middlesex, held at Cambridge; provided, further, that \$8,000,000 shall be expended for renovations at West Roxbury division of the Boston municipal court; provided, further, that \$123,562,890 shall be expended for the costs of the reconstruction or replacement of court facilities located in the downtown area of the city of New Bedford; provided, further, that \$8,000,000 shall be expended for renovations at South Boston division of the Boston municipal court; provided further, that \$23,000,000 shall be expended for roof, masonry, or windows at the Roderick L. Ireland Courthouse, Pittsfield superior court, Lawrence superior court, district court of Holyoke and Northampton superior court; provided, further, that not less \$2,000,000 shall be expended for life safety and fire alarms systems at the district court of northern Norfolk, held at Dedham; provided, further, that \$3,000,000 shall be expended for MEP systems, boilers and controls at the district court of Western Norfolk, held at Wrentham; and provided, further, that \$19,000,000 shall be expended for holding doors, security doors, cell doors, duress alarms, cameras or salyports at Dorchester division of the Boston municipal court, Springfield housing and juvenile court, the district court of southern Norfolk, held at Stoughton, the juvenile court and second district court of Barnstable, held at Orleans and the district court of Peabody; provided further, that \$1,000,000 shall be expended to provide for the Barnstable district, juvenile, superior, and probate and family courts; provided further, that \$614,280 shall be expended to provide ADA access at the Falmouth district court; provided further, that \$385,720 shall be expended to provide ADA program access at the Orleans district court; provided further, that \$10,000,000 shall be

Consolidated amendments.

expended for repairs and renovations of the South Boston District Court located at 535 East Broadway in the South Boston section of the City of Boston \$675,000,000”;

In section 2B, in item 1100-3005, by adding the following: “; provided further, that \$100,000 shall be expended for the design, construction, and improvement of the HVAC system in the Dudley Municipal Complex located in the town of Dudley; provided further, that \$500,000 shall be expended for the design and construction of Phase II of the Municipal Riverwalk at Ludlow Mills in the Town of Ludlow; provided further, that \$100,000 shall be expended for the expansion of the wireless infrastructure at the North Attleborough Middle School and High School located in the town of North Attleborough; provided further, that \$2,000,000 shall be expended for the East Boston Greenway in the East Boston neighborhood of the city of Boston; provided further, that \$1,000,000 shall be expended for the renovation of the Paris Street Pool in the East Boston neighborhood of the city of Boston; provided further, that \$10,000,000 shall be expended for the construction of an Upham’s Corner library and for the renovation of the Strand Theatre in the Dorchester neighborhood of the City of Boston; provided further, that \$1,000,000 shall be expended for the completion of the North Central Pathway Bike Trail Project in the City of Gardner; provided further, that \$500,000 shall be expended for energy-efficient improvements to municipally owned buildings in the town of West Springfield; provided further, that \$1,000,000 shall be expended to the City of Holyoke for the restoration and repair of the Holyoke City Hall; provided further, that \$2,500,000 shall be expended for the study, design and construction of the Middlesex Fells Recreational Facility on South Border Road in the Middlesex Fells; provided further, that \$6,000,000 shall be expended for the renovation, construction, and remodeling of the George Hall Memorial Pool located in the town of Stoneham; provided further, that \$10,000,000 shall be expended for an intergenerational community center in the town of North Reading; provided further, that \$200,000 shall be expended for a Senior Community Center in Greenfield; provided further, that \$150,000 shall be expended for the repairs and improvements for the American Veterans ‘AMVETS’ Post 51 in the town of Randolph; provided further, that \$1,000,000 shall be expended for the purpose of designing and constructing a Ferry Terminal and Visitors Center at Squantum Point Park in the city of Quincy; provided further, that \$1,000,000 shall be expended for the maintenance, repair and improvement of the Whipple Senior Center in the city known as the town of Weymouth; provided further, that \$500,000 shall be expended for improvements and maintenance to Factory Hill Park and Community Gardens located in the Hyde Park section of Boston; provided further, that \$1,000,000 shall be expended for the maintenance, repair and improvement of the Teen Center in the city known as the town of Weymouth; provided further, that \$500,000 shall be expended for the acquisition of or prepayment of a lease for a community center in the City of Malden; provided further, that \$1,000,000 shall be expended for the replacement of water service pipes and associated costs in the city of Malden; provided further, that \$1,500,000 shall

be expended on the Lawrence Rail Trail; provided further, that \$500,000 shall be expended on the Greater Lawrence Technical High School in town of Andover for the purpose of building an athletic field; provided further, that \$3,000,000 shall be expended for the construction of a new municipal animal shelter in the in the city of Boston; provided further, that \$500,000 shall be expended for infrastructure improvements to State Street in the town of Belchertown; provided further, that \$5,000,000 shall be expended for the repairs, renovations and improvements to the existing Turnure Terrace building, and for the acquisition, design, and construction of new senior and low-income family housing in the town of Lenox; provided further, that \$50,000 shall be expended for the design and construction of Quinebaug River rail trail in the town of Dudley; provided further, that \$1,000,000 shall be expended for the improvement of infrastructure regarding flood prevention along School street and Mechanic street in the town of Clinton; provided further, that \$5,000,000 shall be expended for the acquisition of land, construction or expansion of facilities or the collection therein of an International Museum of World War II in the town of Natick; provided further, that \$3,000,000 shall be expended to repair, replace and repoint the exterior of the building located on The Esplanade currently used by Community Boating; provided further, that \$1,000,000 shall be expended for the redevelopment of the Attleboro Dyeworks site in the town of Seekonk; provided further, that \$250,000 shall be expended towards the reconstruction costs of the fire damaged Coolidge Avenue water treatment facility in the city of Peabody; provided further, that \$2,000,000 shall be expended for the renovation and improvement of the Fraser Field in the city of Lynn; provided further, that \$500,000 shall be expended for the design and construction of the Lynn Community Path in the city of Lynn; provided, further, that \$2,500,000 shall be expended for the study, design and construction of the William McKinley school recreation center in the city of Revere; ;provided, further, that \$5,000,000 shall be expended for the restoration of the Edward B. Newton school cultural center in the town of Winthrop; provided, further, that \$263,000 shall be expended for improvements at the Cogswell arts center in the city of Haverhill; provided, further, that \$3,000,000 shall be expended for the design [B] of a parking garage in the downtown area of the city of Methuen; provided further, that \$300,000 shall be expended for renovations to the Gay Head Light House in the town of Aquinnah; provided further that \$250,000 shall be expended for maintenance and upgrades to the Shining Sea Bike Path in the town of Falmouth; provided further, that \$225,000 shall be expended for certain educational needs in the town of Tewksbury; provided further, that \$200,000 shall be expended for emergency repairs by the school department in the town of Tewksbury to the North Street elementary school; provided further, that \$25,000 shall be expended to Camp Pehelo; provided further, that \$750,000 shall be expended for the removal, restoration, placement, and installation of the Laurel Hill WWII Memorial in the city of Worcester; provided further, that \$10,000,000 shall be expended for the creation and construction of a Boston Public Library Branch in the South Boston Waterfront section of the city of Boston; provided further, that \$5,000,000 shall be expended for the city of

Consolidated
amendments.

Lowell department of planning and development to create a business development grant and low interest loan program run by the city in conjunction with any qualified public institution in the city of Lowell; provided further, that [C] \$1,000,000 shall be expended for the design and reconstruction of a bridge over the Charles River, ending at the Lasell College Boathouse in the city of Newton; provided further, that \$3,000,000 shall be spent for repairs, renovations and upgrades for the Lowell Memorial Auditorium; provided further, that \$1,000,000 shall be expended for the replacement of rotted sections of the Fall River boardwalk from Davol Street to the city pier in Fall River; provided further, that \$1,000,000 shall be expended for the planning, design and construction of a parking garage on the waterfront property in Fall River; provided further, that \$2,000,000 shall be expended for the planning, design and construction of a parking garage in downtown area of the city of Fall River; provided further, that \$1,000,000 shall be expended for the construction of a sewer line on Main Street from the connection south to the center of Assonet in the town of Freetown; provided further, that \$1,000,000 shall be expended for the reconstruction of the department of public works facility located on Locust Street in the city of Northampton; provided further, that \$1,000,000 shall be expended for the purpose of infrastructure and building improvements at the Academy of Music in the city of Northampton; provided further, that \$1,000,000 shall be expended for water line and sewer improvements in the town of Hatfield"; and

By inserting after section 18 the following two sections:

"SECTION 18A. Section 2 of chapter 47 of the acts of 2017 is hereby amended, in item 4800-0038, by inserting after the words 'an amount not less than fiscal year 2013 shall be expended on children's advocacy centers', the following words:— ; provided further, that funds may be expended on programs that received funding in fiscal year 2013; and provided further, an amount not less than fiscal year 2013 shall be expended on children's advocacy centers.

SECTION 18B. Notwithstanding any general or special law to the contrary, funds borrowed by the commonwealth may be expended to reimburse municipal debt incurred to create the capital asset to be wholly owned by the commonwealth, as authorized by section 58 of chapter 239 of the acts of 2012, as amended; provided; further that funds shall not be expended for this purpose until funds are expended for the department of conservation and recreation's Metropolis ice rink in the town of Canton as authorized in item 1102-2017 of section 2 of this act."

On the question on adoption of the amendments, the sense of the House was taken by yeas and nays, as required under the provisions of House Rule 33F; and on the roll call 145 members voted in the affirmative and 7 in the negative.

[See Ye and Nay No. 304 in Supplement.]

Therefore the consolidated amendments were adopted.

Mr. Carvalho of Boston then moved to amend the bill by adding the following section:

"SECTION 22. Chapter 47 of the acts of 2017 is hereby amended by striking out section 136 and inserting in place thereof the following section:—

Section 136. There shall be a special legislative commission established pursuant to section 2A of chapter 4 of the General Laws to investigate and study the feasibility of establishing a Cape Verdean cultural center in the city of Boston. The commission shall consist of: 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and who shall serve as co-chairperson, and 1 of whom shall be appointed by the house minority leader; 2 members of senate, 1 of whom shall be appointed by the senate president and who shall serve as co-chairperson, and 1 of whom shall be appointed by the senate minority leader; 1 member appointed by the mayor of Boston; 1 member appointed by the governor; and not more than 13 additional members, who shall be selected by the co-chairs; provided, that, there shall be an odd number of members.

The commission shall investigate and study various methods for establishing a Cape Verdean cultural center in the city of Boston, including, but not limited to, the creation of a non-profit organization to oversee the construction and management of the cultural center, and shall consider the costs of each method.

All appointments to the commission shall be made on or before January 31, 2018. The commission shall report its findings, including any recommendations for legislation, to the clerks of the house of representatives and the senate on or before December 31, 2018."

The amendment was adopted.

Messrs. Kafka of Stoughton and Galvin of Canton then moved to amend the bill by adding the following section:

"SECTION 23. Section 33 of Chapter 242 of the Acts of 2012, as most recently amended by Section 130 of Chapter 133 of the Acts of 2013, is hereby amended by striking out, in line 13, the number '\$175,000' and inserting in place thereof the following figure: '\$1.'."

The amendment was adopted.

Mr. Kafka of Stoughton then moved to amend the bill by adding the following two sections:

"SECTION 24. Chapter 82 of the Acts of 2014 is hereby amended, in Section 2, by striking out, in line 6, after the word 'appropriate,' the following words: 'The commissioner of capital asset management and maintenance shall also receive additional consideration established to be the difference between the full and fair market value of the parcels of land described in section 1 to be conveyed and the full and fair market value of the parcel described herein to be received. Under no circumstances shall the commonwealth be obligated to pay any additional consideration to the grantees Edward A. Welch and Nancy J. Welch. The full and fair market value of both properties shall be determined by the commissioner of capital asset management and maintenance on the basis of independent appraisals commissioned by the commissioner.

The inspector general shall review and approve said appraisals, including the methodology utilized in conducting the appraisals. The commissioner of capital asset management and maintenance shall, 30 days prior to the conveyance authorized by this act, submit the appraisals and a

Consolidated
amendments
adopted,—
yea and nay
No. 304.

report thereon to the inspector general. The inspector general shall prepare a report of his review and approval of the appraisal and file the report with the commissioner of capital asset management and maintenance, and copies of the same shall be filed with the house and senate committees on ways and means and the chairmen of the joint committee on state administration and regulatory oversight at least 15 days prior to the execution.’.

SECTION 25. Chapter 82 of the Acts of 2014 is hereby amended by striking out Section 3 and inserting in place thereof the following section: ‘Section 3. A signed TR1 form shall not be required to complete the conveyance of land authorized by this act.’.

The amendment was adopted.

Mr. Hay of Fitchburg then moved to amend the bill by adding the following two sections:

“SECTION 26: (a) Subsection (d)(iv) of section 51 of chapter 7C of the General Laws, as so appearing in the 2016 Official Edition, is hereby amended by striking the figure ‘\$10,000’ in line 51 and inserting in place thereof the following figure:— \$30,000

(b) Said subsection (d)(iv) of section 51, as so appearing, is hereby amended by striking the figure ‘\$100,000’ in line 53 and inserting in place thereof the following figure:— \$300,000

SECTION 27: (a) Subsection (a) of section 54 of said chapter 7C, as so appearing, is hereby amended by striking in lines 2-3 the language ‘estimated to exceed \$100,000’.

(b) Said section 54, as so appearing, is hereby amended by inserting at the end thereof the following:— (f) A contract for design services shall be exempt from the selection procedure required in subsection (a) if (i) the design fee under the contract is less than \$30,000; or (ii) the estimated construction cost of the project for which the design services are required is less than \$300,000.’.

The amendment was adopted.

Mr. Sánchez of Boston and other members of the House then moved to the bill in section 2, in line 36, in item 1102-2017, by inserting after the word “training” the following: “; provided further, that \$2,000,000 shall be expended to improve wireless internet accessibility at the state house”;

In item 8000-3502 by striking out at [at “A”] the figures: “\$5,000,000” (inserted by amendment) and inserting in place thereof the figures: “\$25,000,000”;

In section 2A, in line 164, in item 1102-5700 (inserted by amendment), by adding the following: “; provided, further, that \$3,500,000 shall be expended for handicap accessibility improvements for the Dedham superior court”, and in said item (inserted by amendment) by striking out the figures: “675,000,000” and inserting in place thereof the figures: “690,500,000”;

In section 2B, in item 1100-3005, in line 204, by inserting after the word “towns” the following word: “, counties”;

In line 214 by striking out the word “may” and inserting in place thereof the word “shall”;

In line 220 by inserting after the words “New Bedford” the following: “; provided further, that \$1,000,000 shall be expended for the construction of a public safety complex in the town of Heath”;

In line 221 by striking out the word “neighborhood” and inserting in place thereof the words “and Roxbury areas”;

By inserting after the word “design” [at “B”] (inserted by amendment) the words “and construction”;

By striking out [at “C”] the figures: “1,000,000” (inserted by amendment) and inserting in place thereof the figures: “3,500,000”;

By striking out the total appropriation figures: “85,000,000” and inserting in place thereof the figures: “168,500,000”;

By inserting after item 1100-3005 the following:

“EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE.
*Division of Capital Asset Management
and Maintenance*”;

In section 3, in line 287, by striking out the figures: “3,405,000,000” and inserting in place thereof the figures: “3,221,500,000”;

In section 4, in line 297, by striking out the figures: “320,000,000” and inserting in place thereof the figures: “403,500,000”;

In section 20, in line 379, by inserting after the item: “1790-3004” the following: “; 1100-3001”; and

In section 21, in line 384, by inserting after the item “1102-2014” the following: “; 1102-2015, 1102-2016”.

The amendments were adopted.

On the question on passing the bill to be engrossed, the sense of the House taken by yeas and nays, at the request of the same member; and on the roll call 144 members voted in the affirmative and 6 in the negative.

Bill passed to be engrossed,—yea and nay No. 305.

[See Ye and Nay No. 305 in Supplement.]

Therefore the bill (House, No. 4045, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Barrett of North Adams was spread upon the records of the House as follows:

MADAM SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, I voted in the affirmative. However, I now find that, for some inexplicable reason, my vote was not recorded.

Statement of Mr. Barrett of North Adams.

Mr. Donato of Medford being the Chair,—

The House Bill authorizing the city of Salem to grant 1 additional liquor license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 3753), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Tucker of Salem.

Salem,—liquor license.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it in section 1, in line 3, by inserting after the word “to”, the second time it appears, the words “Bosolakhana Thach d/b/a”.

The amendment was adopted; and the bill (House, No. 3753, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

Mrs. Haddad of Somerset being in the Chair,—

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Vieira of Falmouth then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at ten o'clock P.M. (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.