

Thursday, July 23, 2020 (at 11:00 o'clock A.M.).

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

Pledge of
allegiance.

Paper from the Senate.

The House Bill authorizing and accelerating transportation investment (House, No. 4547), came from the Senate with the endorsement that said branch had insisted on its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2836) (in which the House had non-concurred).

Transportation,—
bond bill.

The bill bore the further endorsement that said branch had concurred with the House in appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Boncore, Rodrigues and Tran had been joined as the committee on the part of the Senate.

Committee of
conference.

Reports of Committees.

By Mr. Petrolati of Ludlow, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of Framingham to amend the income qualifications for a certain tax deferral program (House, No. 4789) [Local Approval Received], be scheduled for consideration by the House.

Framingham,—
tax deferrals.

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

A report of the committee on Steering, Policy and Scheduling, under the last sentence of Rule 7A, that the Senate Bill revising the town charter of Lunenburg (Senate, No. 2754) [Local Approval Received], be scheduled for consideration by the House.

Lunenburg,—
charter.

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

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill enabling partnerships for growth (House, No. 4854), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4874) [Bond Issue: General Obligation Bonds: \$338,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Economic
development
and jobs.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing for the terms of certain bond [sic] for transportation improvements to be issued by the Commonwealth (printed in House, No. 4845). Read; and referred, under Rule 33, to the committee on Ways and Means.

Housing
production.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to 1 Water Street in Beverly (House, No. 4863) [Local Approval Received].

Beverly,—
land.

By Mr. Parisella of Beverly, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Carissa Sinclair, an employee of the Department of Mental Health (House, No. 4875).

Carissa
Sinclair,—
sick leave.

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

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 206.

[See Yea and Nay No. 206 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2820, amended), was considered.

Police,—
reform.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Tucker of Salem moved to amend it by striking out section 22 and inserting in place thereof the following section:

“SECTION 22. Said chapter 6, as so appearing, is hereby further amended by inserting after section 116G the following 2 sections:—

Section 116H. (a) The committee on police training and certification, established in section 4 of chapter 6E, shall establish and develop an in-service training program designed to train school resource officers, as defined in section 37P of chapter 71. Such program shall include training on: (i) the ways in which legal standards regarding police interaction and arrest procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive development, which shall include instruction on common child and adolescent behaviors, actions and reactions as well as the impact of trauma, mental illness and developmental disabilities on child and adolescent development and behavior; (iii) engagement and de-escalation tactics that are specifically effective with youth; and (iv) strategies for resolving conflict and diverting youth in lieu of making an arrest.

(b) The course of instruction, the learning and performance objectives and the standards for training developed pursuant to this section shall be developed in consultation with experts on child and adolescent development and child trauma and with educators and attorneys experienced in juvenile and education law.

Section 116I: The committee on police training and certification, established in section 4 of chapter 6E, shall establish and develop within the recruit basic training curriculum a program for regional and municipal police training schools for the training of law enforcement officers and correction officers in the commonwealth in appropriate interactions with persons on the autism spectrum and those with other intellectual and developmental disabilities. The program shall include training for law enforcement response to individuals on the autism spectrum and those with other

intellectual and developmental disabilities who are victims or witnesses to a crime, or suspected or convicted of a crime.”.

After remarks the amendment was adopted.

Ms. Khan of Newton and other members of the House then moved to amend the bill in section 76, in line 1498, by inserting after the following: “section (b).” the following sentence: “In a prosecution commenced under this subsection, a person shall be deemed incapable of consent to sexual intercourse with such law enforcement officer.”; and

By adding the following section:

“SECTION 94. Section 13H of Chapter 265 of the General Laws as so appearing, is hereby amended by adding the following section:

Section 13H½. Sexual Misconduct by a Law Enforcement Officer on a Person in Custody

(a) For the purposes of this section ‘law enforcement officer’ shall mean a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a police officer in the employ of a public institution of higher education pursuant to section 5 of chapter 15A, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff, a correction officer, a court officer, a probation officer, a parole officer, an officer of the department of youth services, constables, a campus police officer who holds authority as special state police officer or a person impersonating one of the foregoing.

(b) A law enforcement officer who commits an indecent assault and battery on a person who has attained the age of fourteen and who is in the custody or control of such law enforcement officer shall be punished by imprisonment in the state prison for not more than five years, or by imprisonment for not more than two and one-half years in a jail or house of correction. In a prosecution commenced under this section, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

(c) A law enforcement officer who commits an indecent assault and battery on an elder or person with a disability, as defined in section 13K, and who is in the custody or control of such law enforcement officer 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 2 1/2 years, and a law enforcement officer who commits a second or subsequent such offense shall be punished by imprisonment in the state prison for not more than 20 years. In a prosecution commenced under this section, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

(d) A law enforcement officer who commits an indecent assault and battery on a person in their custody or control who is known to such law enforcement officer as having an intellectual disability shall for the first offense be punished by imprisonment in the state prison for not less than five years or not more than ten years; and for a second or subsequent offense, by imprisonment in the state prison for not less than ten years. Except in the case of a conviction for the first offense for violation of this section, the imposition or execution of the sentence shall not be suspended, and no probation or parole shall be granted until the minimum imprisonment herein provided for the offense shall have been served. In a prosecution commenced under this section, a person shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.

(e) A law enforcement officer who commits an indecent assault and battery on a child under the age of 14 and who is in the custody or control of such law enforcement officer 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 2 1/2 years. A prosecution commenced under this section shall neither be continued without a finding nor placed on file. In a prosecution commenced under this section, a child under the age of 14 shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer.”.

The amendments were adopted.

Mr. González of Springfield then moved to amend the bill by inserting after section 1 the following section:

“SECTION 1A. Chapter 3 of the General Laws is hereby further amended by adding the following section:—

Section 73. (a) There shall be a permanent commission on the status of Latinos. The commission shall consist of: 3 persons appointed by the governor from a list of not less than 5 nominees provided by gateway cities where 40% or more of the population are Latinos; 3 persons appointed by the president of the senate; and 3 persons appointed by the speaker of the house of representatives from a list of not less than 5 nominees provided by the Massachusetts Black and Latino Legislative Caucus. Members of the commission shall be residents of the commonwealth who have demonstrated a commitment to the Latino community. Members shall be considered special state employees for purposes of chapter 268A.

(b) A member of the commission shall serve a term of 3 years and until a successor is appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(c) The commission shall annually elect from among its members a chair, a vice chair, a treasurer and any other officers it considers necessary. The members of the commission shall receive no compensation for their services; provided however, that members shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(d) The commission shall be a resource to the commonwealth on issues affecting Latinos. It shall be a primary function of the commission to make policy recommendations, based on research and analysis, to the general court and executive agencies that: (i) ensure Latinos equitably benefit from and have access to government services in the same manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have benefited citizens of the commonwealth to the exclusion of Latinos; and (iii) promote solutions that address the impact of discrimination against Latinos. Further, the commission shall: (A) promote research and be a clearinghouse and source of information on issues pertaining to Latinos in the commonwealth; (B) inform the public and leaders of business, education, human services, health care, judiciary, state and local governments and the media of the historical and current implications of systemic racism on the Latino community across the commonwealth and the unique cultural, social, ethnic, economic and educational issues affecting Latinos in the commonwealth; (C) serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to Latinos in the commonwealth; (D) identify and recommend qualified Latinos for appointive positions at all levels of government, including boards and commissions; (E) assess programs and practices in all state agencies as they affect Latinos using a racial equity framework; (F) advise executive agencies and the general court on the potential effect on Latinos of proposed legislation and regulations using a racial equity framework; (G) monitor executive and legislative action purported to eliminate systemic racism for its impact on Latinos using a racial equity framework; and (H) generally undertake activities designed to enable the

commonwealth to realize the full benefit of the skills, talents and cultural heritage of Latinos in the commonwealth.

(e) Annually, not later than June 2, the commission shall report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the senate and house of representatives.

(f) The powers of the commission shall include, but not be limited to: (i) directing a staff to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other public forums as necessary; (iii) using the voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed, including provision of meeting places and refreshments; (iv) establishing and maintaining offices that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance; (vi) contracting or collaborating with academic institutions, private sector consultants or other professionals for research and analysis; and (vii) recommending policies and making recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsection (d).

(g) The commission may request information and assistance from state agencies as the commission requires.

(h) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds for any of the purposes of this section. The commission shall receive settlement funds payable to the commonwealth related to matters involving racial discrimination or other bias toward Latinos; provided, however, that the commission shall not receive more than \$2,000,000 in settlement funds in any single fiscal year or cumulatively more than \$2,500,000 in settlement funds in any period of 5 fiscal years. Funds received under this subsection shall be deposited in a separate account with the state treasurer, received by the treasurer on behalf of the commonwealth and expended by the commission in accordance with law.

(i) The commission staff shall consist of an executive director, employees and consultants and unpaid volunteers who assist the commission in effectuating its statutory duties. The commission shall appoint the executive director for a term of 3 years.”.

The amendment was adopted.

Mr. Connolly of Cambridge and other members of the House then moved to amend the bill in section 29, in line 889, by striking out the word “weapon,” and inserting in place thereof the words “ weapon. A Law Enforcement Officer shall not”; and in lines 893 and 894, in line 895, in lines 899 and 900, and in line 903 by striking out, in each instance, the words “tear gas or any other chemical weapon,”.

After debate 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 38 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 207 in Supplement.]

Therefore the amendments were rejected.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Vargas of Haverhill and other members of the House moved to amend it in section 29, in line 779 and also in line 810, by striking out, in each instance, the words “clear and convincing evidence” and inserting in place thereof, in each instance, the words “a preponderance of the evidence”.

After debate 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 46 members voted in the affirmative and 113 in the negative.

Amendments
rejected,—
yea and nay
No. 207.

Amendments
rejected,—
yea and nay

[See Yea and Nay No. 208 in Supplement.]

No. 208.

Therefore the amendments were rejected.

Mr. Lombardo of Billerica and other members of the House then moved to amend the bill in section 29, in line 665, by striking out the word “complaint” and inserting in place thereof the words “sustained complaint received from an identifiable complainant and signed under the pains and penalties of perjury”.

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. Lombardo; and on the roll call 34 members voted in the affirmative and 124 in the negative.

Amendment
rejected,—
yea and nay
No. 209.

[See Yea and Nay No. 209 in Supplement.]

[Mr. Scaccia of Boston answered “Present” in response to his name.]

Therefore the amendment was rejected.

Mr. Lombardo of Billerica then moved to amend the bill in section 29, line 616, by inserting after the following: “subsection (f).” the following sentence: “Disciplinary matters resolved or adjudicated prior to the effective date of this legislation shall not on their own constitute sufficient reason to deny recertification; however, such matters may be considered in the event that an officer is the subject of further discipline after the effective date of this legislation.”.

After debate on the question on adoption of the amendment, (the Speaker having taken the Chair) the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo; and on the roll call 45 members voted in the affirmative and 114 in the negative.

Amendment
rejected,—
yea and nay
No. 210.

[See Yea and Nay No. 210 in Supplement.]

Therefore the amendment was rejected.

Mr. Donato of Medford being in the Chair,—

Ms. Sullivan of Abington then moved to amend the bill in section 29, in line 778, by striking out the word “shall” and inserting in place thereof the word “may”.

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 the same member; and on the roll call 44 members voted in the affirmative and 114 in the negative.

Amendment
rejected,—
yea and nay
No. 211.

[See Yea and Nay No. 211 in Supplement.]

Therefore the amendment was rejected.

The same member then moved to amend the bill in section 81, in line 1554, by inserting after the word “section” the words “, provided further that any action taken by a law enforcement officer that has been fully adjudicated prior to the effective date of this section shall not be the sole basis for review by the Massachusetts Police Standards and Training Commission”; and the amendment was rejected.

Mr. Michlewitz of Boston moved to amend the bill in section 29, in lines 662 to 852, inclusive, by striking out the text contained in those lines and inserting in place thereof the following:

“Section 8. (a) There is hereby established within the commission a division of police standards. The purpose of the division of police standards shall be to investigate officer misconduct and make disciplinary recommendations to the commission.

(b)(1) The head of an agency shall immediately transmit any complaint received by said agency to the division of police standards, in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to: (i) the name and commission certification identification number of the subject officer; (ii) the date and location of the incident; (iii) a description of circumstances of the conduct that is the subject of the complaint; (iv) whether the complaint alleges that the officer’s conduct: (A) was biased on the basis of race, ethnicity, sex, gender identity,

sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level; (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or death; and (v) a copy of the original complaint submitted directly to the agency; provided, however, that the commission may establish a minimum threshold and streamlined process for the reporting or handling of minor complaints that do not involve the use of force or allegations of biased behavior.

(2) Upon completion of the internal investigation of a complaint, the head of each agency shall immediately transmit to the division of police standards an investigation report in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to: (i) a description of the investigation and disposition of the complaint; (ii) any disciplinary action recommended by internal affairs or the supervising officer; and (iii) if the recommended disciplinary action included retraining, suspension or termination, a recommendation by the head of the agency for disciplinary action by the commission including, retraining or suspension or revocation of the officer's certification.

(3) Upon final disposition of the complaint, the head of each agency shall immediately transmit to the division of police standards a final report in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to: (i) any disciplinary action initially recommend by internal affairs or the supervising officer; (ii) the final discipline imposed and a description of the adjudicatory process; and (iii) if the disciplinary action recommended or imposed included retraining, suspension or termination, a recommendation by the head of the agency for disciplinary action by the commission including, retraining or suspension or revocation of the officer's certification.

(4) If an officer resigns during an agency investigation, prior to the conclusion of an agency investigation or prior to the imposition of agency discipline, up to and including termination, the head of said agency shall immediately transmit to the division of police standards a report in a form to be determined by the commission; provided, that the form shall include, but shall not be limited to: (i) the officer's full employment history; (ii) a description of the events or complaints surrounding the resignation; and (iii) a recommendation by the head of the agency for disciplinary action by the commission, including retraining or suspension or revocation of the officer's certification.

(5) Notwithstanding any general or special law or collective bargaining agreement to the contrary, nothing shall limit the ability of the head of an agency to make a recommendation in their professional judgement to the commission relative to the certification status of an officer, after having followed the agency's internal affairs procedure and any appeal therefrom.

(c)(1) The division of police standards shall initiate a preliminary inquiry into the conduct of a law enforcement officer if the commission finds by a preponderance of evidence that the law enforcement officer:—

- (i) was involved an officer-involved injury or death;
- (ii) committed a felony or misdemeanor, whether or not the officer has been arrested, indicted, charged or convicted;
- (iii) engaged in conduct prohibited pursuant to section 14;
- (iv) engaged in conduct prohibited pursuant to section 15; or
- (v) receipt of an affirmative recommendation by the head of an appointing agency for disciplinary action by the commission, including retraining or suspension or revocation of the officer's certification.

(2) The division of police standards may initiate a preliminary inquiry into the conduct of a law enforcement officer if, upon receipt of any complaint, report or evidence the commission finds by a preponderance of evidence that the law enforcement officer may have engaged in prohibited conduct. All proceedings and records relating to a preliminary inquiry or initial staff review used to determine whether to initiate an inquiry shall be confidential, except that the executive director may turn over to the attorney general, the United States Attorney or a district attorney of competent jurisdiction evidence which may be used in a criminal proceeding.

(3) The division of police standards shall notify any law enforcement officer who is the subject of the preliminary inquiry, the head of their collective bargaining unit and the head of their appointing agency of the existence of such inquiry and the general nature of the alleged violation within 30 days of the commencement of the inquiry.

(d) The division of police standards may audit all records related to the complaints, investigations and investigative reports of any agency related to complaints of officer misconduct or unprofessionalism, including without limitation personnel records, of any agency. The commission shall promulgate rules and regulations establishing an audit procedure; provided, that said rules and regulations shall not limit the ability of the division of police standards to initiate an audit at any time and for any reason.

(e) If the division of police standards discovers evidence of the commission of a crime by an officer, the division of police standards shall immediately refer the matter to the division of police standards and professional conduct enforcement established pursuant to section 110 of chapter 12.

(f) The division of police standards shall create and maintain a database containing information related an officer's: (i) receipt of complaints and related information, including, but not limited to: the officer's appointing agency, date, a description of circumstances of the conduct that is the subject of the complaint and whether the complaint alleges that the officer's conduct: (A) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level; (B) was unprofessional; (C) involved excessive, prohibited or deadly force; or (D) resulted in serious bodily injury or death; (ii) allegations of untruthfulness; (iii) failure to follow commission training requirements; (iv) decertification by the commission; (v) agency-imposed discipline; (vi) termination for cause; and (vii) any other information the commission deems necessary or relevant.

(g) The division of police standards shall actively monitor the database to identify patterns of unprofessional police conduct. Upon identification of a pattern of unprofessional police conduct, the division of police standards may recommend the evidence in its possession for review in a preliminary inquiry.

(h) The division of police standards shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of this chapter, including the power to receive intelligence on an applicant for certification or an officer certified under this chapter and to investigate any suspected violations of law.

Section 9. (a)(1) The commission shall immediately suspend the certification of any officer who is arrested, charged or indicted for a felony.

(2) If, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8 the commission concludes that a law enforcement officer has engaged in conduct that could constitute a felony and upon a vote to initiate an adjudicatory proceeding of said conduct, shall immediately suspend an officer's certification.

(3) The commission may, after a preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8, suspend the certification of any officer who is arrested, charged or indicted for a misdemeanor, if the commission determines that the crime affects the fitness of the officer to serve as a law enforcement officer.

(4) The commission may, pending preliminary inquiry pursuant to paragraph (1) of subsection (c) of section 8, suspend the certification of any officer if the commission determines that the suspension is in the best interest of the health, safety or welfare of the public.

(5) A suspension order of the commission issued pursuant to this subsection shall continue in effect until issuance of the final decision of the commission or until revoked by the commission.

(b) The commission shall administratively suspend the certification of an officer who fails to complete in-service training requirements of the commission within 90 days of the deadline imposed by the commission; provided, that the commission may promulgate reasonable exemptions to this subsection, including, but not limited to, exemptions for: (1) injury or physical disability; (2) a leave of absence; or (3) other documented hardship. The commission shall reinstate the certification of an officer suspended pursuant to this subsection upon completion of the in-service training requirements of the commission.

(c) The commission shall administratively suspend the certification of an officer with a duty to report information to the commission pursuant to section 8 who fails to report such information. The commission shall reinstate the certificate of an officer suspended pursuant to this subsection upon completion of said report.

(d) A law enforcement officer whose certification is suspended by the commission pursuant to subsection (a), subsection (b) or subsection (c) shall be entitled to a hearing before a commissioner within 15 days. The terms of employment of a law enforcement officer whose certification is suspended by the commission pursuant to subsection (a), subsection (b) or subsection (c) shall continue to be subject to the provisions of chapter 31 and any applicable collective bargaining agreement to which the law enforcement officer is a beneficiary.

Section 10. (a) The commission shall, after a hearing, revoke an officer's certification if the commission finds by clear and convincing evidence that:—

- (i) the officer is convicted of a felony;
- (ii) the certification was issued as a result of administrative error;
- (iii) the certification was obtained through misrepresentation or fraud;
- (iv) the officer falsified any document in order to obtain or renew certification;
- (v) the officer has had a certification or other authorization revoked by another jurisdiction;

- (vi) the officer is terminated by their appointing agency, and any appeal of said termination is completed, based upon intentional conduct performed under the color of office to: obtain false confessions; make a false arrest; create or use falsified evidence, including false testimony or destroying evidence to create a false impression; engage in conduct that would constitute a hate crime, as defined in section 32 of chapter 22C; or directly or indirectly receive a reward, gift or gratuity on account of their official services;

- (vii) the officer has been convicted of submitting false timesheets in violation of section 85BB of chapter 231;

- (viii) the officer knowingly files a written police report containing a false statement or commits perjury, as defined in section 1 of chapter 268;

- (ix) the officer tampers with a record for use in an official proceeding, as defined in section 13E of chapter 268;

- (x) the officer used force in violation of section 14;
- (xi) the officer used excessive use of force resulting in death or serious bodily injury;
- (xii) the officer used a chokehold in violation of section 14;
- (xiii) the officer engaged in conduct that would constitute a hate crime, as defined in section 32 of chapter 22C;
- (xiv) the officer engaged in the intimidation of a witness, as defined in section 13B of chapter 268;
- (xv) the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including but not limited to excessive or prohibited force in violation of section 15;
- (xvi) the officer is not fit for duty as an officer and the officer is dangerous to the public, as determined by the commission.

(b) The commission may, after a hearing, suspend or revoke an officer's certification if the commission finds by clear and convincing evidence that the officer:—

- (i) has been convicted of any misdemeanor;
- (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct;
- (iii) has a pattern of unprofessional police conduct that commission believes may escalate;
- (iv) was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed; or
- (v) has repeated sustained internal affairs complaints, for the same or different offenses.

(c) The commission may reinstate the certificate of an officer suspended pursuant to subsection (b) at the expiration of the suspension, if the commission finds that all conditions of the suspension were met.

(d) The commission may, after a hearing, order retraining for any officer if the commission finds substantial evidence that the officer:—

- (i) failed to comply with this chapter or commission regulations, reporting requirements or training requirements;
- (ii) was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct;
- (iii) used excessive force;
- (iv) failed to respond an incident according to established procedure;
- (v) has a pattern of unprofessional police conduct;
- (vi) was untruthful, except for a statement or action that mandates revocation pursuant to subsection (a);
- (vii) was suspended or terminated by their appointing agency for disciplinary reasons, except those reasons which mandate revocation pursuant to subsection (a);
- (viii) fails to intervene to prevent another officer from engaging in prohibited conduct or behavior, except a failure to intervene in conduct that mandates revocation pursuant to subsection (a); or
- (ix) would benefit in their job performance if retrained.

(e) The commission shall immediately notify the officer and the head of the appointing agency of the officer who is decertified, suspended or ordered to undergo retraining of the order.

(f) The commission shall conduct preliminary inquiries, revocation and suspension proceedings and hearings, and promulgate regulations for such proceedings and hearings, pursuant to sections 1, 8 and 10 through 14, inclusive, of chapter 30A. Any decision of the commission relative to a preliminary inquiry, revocation and suspension proceeding shall be appealable pursuant to chapter 30A. No adverse action taken against a certification by the commission pursuant to this section shall be appealable to the civil service commission established under chapter 31. No employment action taken by an appointing authority that results from a revocation by the commission pursuant to subsection (a) shall be appealable to the civil service commission established under chapter 31. The commission shall not institute a revocation or suspension hearing pursuant to section 10 in any case where the officer's appointing agency has disciplined or terminated the officer until the discipline or termination is final. This limitation shall not impact the commission's authority to suspend a certification pursuant to section 9."; and

By inserting after section 84 the following section:

"SECTION 84A. There shall be, pursuant to section 2A of chapter 4, a special legislative commission on emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of the General Laws. The commission shall: (i) study how often emergency hospitalizations are used by law enforcement professionals; (ii) examine the impact of emergency hospitalizations on law enforcement resources; (iii) create best practices for coordination of services for hospitalized individuals by law enforcement and medical professionals; and (iv) determine how to reduce police interactions with individuals frequently subject to emergency hospitalization.

(b) The commission shall consist of 11 members: the commissioner of mental health or a designee; the secretary of public safety and security or a designee; the executive director of the mental health legal advisors committee established in section 34E of chapter 221 of the General Laws or a designee; 2 law enforcement officers, as defined in section 1 of chapter 6E of the General Laws, to be appointed by the speaker of the house of representatives, of whom at least 1 shall reside in a gateway municipality as defined in section 3A of chapter 23A of the General Laws; 2 clinical social workers to be appointed by the president of the senate, of whom at least 1 shall reside in a gateway municipality, as defined in said section 3A of said chapter 23A; the president of the Massachusetts Medical Society or a designee; the president of the Massachusetts Nurses Association or a designee; the president of the Massachusetts Chiefs of Police Association Incorporated or a designee; and the president of the Massachusetts Coalitions of Police Inc. or a designee.

(c) The commission shall conduct a thorough review of the policies and procedures related to emergency hospitalizations pursuant to subsection (a) of section 12 of chapter 123 of the General Laws. The goals of the special commission shall be to: (i) develop strategies that reduce the amount of police resources and police interactions with individuals hospitalized pursuant to said subsection (a) of said section 12 of said chapter 123; (ii) better determine how law enforcement and medical professionals can coordinate services to advance the shared goals of public safety and public health in the commonwealth; and (iii) make recommendations, including but not limited to policy or legislative changes, related to emergency hospitalizations.

(d) The commission shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerks of the house of representatives and the senate not later than March 31, 2021."

After debate on the question on adoption 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 147 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 212 in Supplement.]

Therefore the consolidated amendments were adopted.

Consolidated
amendments
adopted,—
yea and nay
No. 212.

Recess.

At fourteen minutes before five o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until a half past five o'clock P.M.; and at twenty minutes before eight o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Engrossed Bill – Land Taking.

The engrossed Bill relative to the Revere & Son Heritage Trust Corporation (see House, No. 4834) (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.

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 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 213 in Supplement.]

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

Revere & Son
Heritage Trust
Corporation.

Bill enacted
(land taking),—
yea and nay
No. 213.

Orders of the Day.

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just Commonwealth that values Black lives and communities of color (Senate, No. 2820, amended), was considered.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Kearney of Scituate moved to amend it in section 29, in lines 324 and 325, by striking out the following: “(vi) attacks a person using a dog, actually or proximately causing injury or death of another”.

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 the same member; and on the roll call 43 members voted in the affirmative and 115 in the negative.

[See Yea and Nay No. 214 in Supplement.]

[Mrs. LaNatra of Kingston answered “Present” in response to her name.]

Therefore the amendment was rejected.

Representatives Frost of Auburn and Sullivan of Abington then moved to amend the bill by striking out section 65; and the amendment was rejected.

Mr. Soter of Bellingham and other members of the House then moved to amend the bill in section 79, in line 1535, by striking out the word “previously”. The amendment was rejected.

The same members then moved to amend the bill in section 29, in line 754, by inserting after the word “law.” the following: “(i) It shall be a crime to make any

Police,—
reform.

Amendment
rejected,—
yea and nay
No. 214.

knowingly false statement in a complaint under this chapter.”; and the amendment was rejected.

Mr. Soter and other members of the House then moved to amend the bill in section 29, in line 960, by striking out the word “and”; and in line 961 by inserting after the word “taken” the following: “and (6) any information on complaints found to be based upon false or fraudulent information”. The amendments were rejected.

Representatives Boldyga of Southwick, Whelan of Brewster and Garry of Dracut then moved to amend the bill in section 29, in line 904, by inserting after the word “justified.” the following sentence: “Oleoresin Capsicum (O.C.) spray, also known as ‘pepper spray’ shall not be considered a chemical weapon for purposes of this section.”; and the amendment was rejected.

Mr. Tucker of Salem then moved to amend the bill in section 81, in line 1554, by inserting after the word “section.” the following sentence: “No officer who is certified under this section shall be required to complete or repeat a basic training program if such officer previously completed a basic training program provided or approved by the municipal police training committee or its predecessor, the criminal justice training council, or received previous basic training that the commission deems equivalent to Massachusetts training standards.”. The amendment was adopted.

Representatives Lombardo of Billerica, Whelan of Brewster and Orrall of Lakeville then moved to amend the bill in section 29, in line 329, by striking out the words “requests or”. The amendment was rejected.

Mr. Vieira of Falmouth and other members of the House then moved to amend the bill in section 25, in line 189, by inserting after the word “prints” the words “; voice, iris”. The amendment was rejected.

Mr. Muradian of Grafton and other members of the House then moved to amend the bill in section 29, in lines 355 to 358, inclusive, by striking out the words “all commissioners shall be civilians and no commissioner shall have previously been employed as a law enforcement officer, previously been employed by a law enforcement agency or be a retired law enforcement officer or retired from a law enforcement agency.”.

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 the same member; and on the roll call 68 members voted in the affirmative and 90 in the negative.

[See Yea and Nay No. 215 in Supplement.]

Therefore the amendment was rejected.

Mrs. Harrington of Groton and other members of the House then move to amend the bill in section 29, in lines 344 to 354, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following:

“Section 2. (a) There shall be a Massachusetts police standards and training commission consisting of 7 members, 1 of whom shall be appointed by the governor, 1 of whom shall be appointed by the attorney general and 5 of whom shall be appointed jointly by the governor and the attorney general; provided, however, that of the 5 members jointly appointed by the governor and the attorney general, 1 shall be a chair of the Massachusetts Law Enforcement Policy Group, Inc. and 3 shall be selected from a list of 5 persons submitted by the Massachusetts Coalition of Police, Inc. The governor shall designate the chair of the commission. The commission shall include people of color and women, at least in such proportion as these groups exist in the commonwealth’s population as periodically determined by the state secretary as the commonwealth’s chief census officer. The members of the commission shall

Amendment
rejected,—
yea and nay
No. 215.

represent diverse geographic areas of the commonwealth, including urban, rural and suburban areas.”.

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 the same member; and on the roll call 53 members voted in the affirmative and 106 in the negative.

[See Yea and Nay No. 216 in Supplement.]

Therefore the amendment was rejected.

Mr. Silvia of Fall River and other members of the House then moved to amend the bill in section 29, in lines 348, 349 and 350, by striking out the following: “1 shall be a chair of the Massachusetts Law Enforcement Policy Group, Inc. and 1 shall be selected from a list of 3 persons submitted by the Massachusetts Coalition of Police, Inc.” and inserting in place thereof the following: “2 persons shall be selected from a list of nominations, one submitted by the Boston Police Patrolman Association Inc., one submitted by the International Brotherhood of Police Officers, one submitted by Massachusetts Coalition of Police, Inc, one submitted by Massachusetts Police Association, Inc. and one submitted by New England Police Benevolent Association, Inc.”.

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 the same member; and on the roll call 55 members voted in the affirmative and 104 in the negative.

[See Yea and Nay No. 217 in Supplement.]

Therefore the amendment was rejected.

Mr. Michlewitz of Boston and other members of the House then moved to amend the bill in section 29, in line 371, by striking out the word “Three” and inserting in place thereof the word “Four”; and in line 920 by inserting after the word “deaths” the words “, including the injuries or deaths of police officers”;

In section 82, in line 1596, by inserting after the word “caucus” the following: “; 2 members appointed by the Massachusetts House Asian Caucus who shall not be members of the caucus”;

In section 83, in line 1630, by striking out the figures: “17” and inserting in place thereof the figures: “25”; and in line 1635, by inserting after the word “law;” the following: “1 member appointed by the chair of the Massachusetts Minority Law Enforcement Officers Association; 1 member appointed by the chair of the Massachusetts Minority State Police Officers Association; 1 member appointed by the chair of the Massachusetts Latino Police Officers Association; 1 member appointed by the chair of the Massachusetts Association of Women in Law Enforcement; 2 members appointed by the Massachusetts House Asian caucus who shall have expertise in constitutional or civil rights law; the president of the Massachusetts Sheriffs’ Association or a designee; 1 member appointed by the Massachusetts Coalition of Police”;

In section 84, in line 1702, by striking out the figures: “13” and inserting in place thereof the figures: “15”, in line 1712 by inserting after the word “designee” the following: “; 1 of whom shall be the president of the Massachusetts Sheriffs’ Association or a designee; 1 of whom shall be the president of the district attorneys association or a designee”;

In section 85, in line 1743, by striking out the figures: “25” and inserting in place thereof the figures: “27”, in line 1761 by inserting after the word “caucus” the following: “; 1 of whom shall be the chair of the Massachusetts House Asian caucus or a designee”;

In section 86, in line 1815, by striking out the figures: “19” and inserting in place thereof the figures: “21”, in line 1819 by inserting after the words “designee”, the first

Amendment
rejected,—
yea and nay
No. 216.

Amendment
rejected,—
yea and nay
No. 217.

time it appears, the following: “; 1 of whom shall be the chair of the Massachusetts House Asian caucus or a designee”, in line 1826 by striking out the figure: “7” and inserting in place thereof the figure: “8”, in line 1828 by inserting after the word “Incorporated” the following: “, 1 of whom shall be from the Massachusetts Police Association”;

In section 88, in lines 1867, 1868 and 1869, by striking out the following: “15 members: 2 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be member of the Massachusetts Black and Latino legislative caucus” and inserting in place thereof the following: “17 members: 4 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus and 1 of whom shall be a member of the Massachusetts House Asian caucus”;

In section 89, in lines 1898 to 1901, inclusive, by striking out the following: “11 members: 2 of whom shall be members of the house of representatives to be appointed by the speaker of the house of representatives, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus” and inserting in place thereof the following: “13 members: 4 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus and 1 of whom shall be a member of the Massachusetts House Asian caucus”;

In section 90, in lines 1925 to 1928, inclusive, by striking out the following: “11 members: 2 of whom shall be members of the house of representatives to be appointed by the speaker of the house of representatives, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus” and inserting in place thereof the following: “13 members: 4 of whom shall be members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall be a member of the Massachusetts Black and Latino legislative caucus and 1 of whom shall be a member of the Massachusetts House Asian caucus”; and

By adding the following section:

“SECTION 95. The Massachusetts police standards and training commission, established in section 2 of chapter 6E, shall establish an anonymous work environment survey for each certified law enforcement officer to complete annually. The survey shall collect information and data of officers opinions of their work environment, which shall include, but not be limited to: (1) the race, gender, a range of age, a range of years of service for each officer; (2) the average number of hours of work per week including overtime; (3) the working conditions of physical law enforcement department; (4) conditions of available equipment and adequacy of supplies; (5) the overall workplace environment; and (6) the ability to provide additional comments. The data shall be collected in aggregate in a manner most useful to make recommendations on what additional resources, if any, should be provided to police departments. Said survey shall be completed by July 1st of each year and a report provided to the secretary of public safety and homeland security, the house committee on ways and means, the senate committee on ways and means, and the house and senate chairs of the joint committee on public safety and homeland security no later than September 30th of each year.”.

After debate on the question on adoption 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 151 members voted in the affirmative and 8 in the negative.

[See Yea and Nay No. 218 in Supplement.]

Therefore the consolidated amendments were adopted.

Consolidated
amendments
adopted,—
yea and nay
No. 218.

Mr. Cutler of Pembroke and other members of the House then moved to amend the bill in section 29 (as amended) by striking out the following: “(b)(1) The head of an agency shall immediately transmit” and inserting in place thereof the following: “(b)(1) The head of an agency shall within two business days transmit”; and the amendment was adopted.

Recess.

At eighteen minutes before twelve o’clock midnight (Thursday, July 23), on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until the following day at eleven o’clock A.M.; and at that time, the House was called to order with Mr. Donato of Medford in the Chair.

Recess.