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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, July 17, 2014.

Met at one minute past one o'clock P.M. (Mr. Richard T. Moore in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, Alison Safran of Newton. Alison graduated this spring from Mount Holyoke College, where she studied politics and psychology. She was recognized as the founding Director of Surviving in Numbers, a website and poster campaign initially designed for the internet and for college campus sexual assaults to support victims of rape and domestic violence in their healing process. The group has grown internationally and includes survivors ranging from 17 to age 50. Surviving in Numbers is currently developing a prevention education curriculum, and has collaborated with organizations such as the Pennsylvania sector of the nation NO MORE Campaign and the US military to support more survivors. The Senate applauded her accomplishments and she withdrew from the Chamber. She was accompanied by her parents, Dana and Alan and members from the Victim Rights Law Center, Stacy Malone, Amanda Walsh, Moriah Silver, Erica Talamo and Barbara Hernon. There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Wolf for the purpose of an introduction. Mr. Wolf then introduced, in the rear of the Chamber, a group of students and their parents from Cape Cod who have are participants in the ArtWorks program. The program pairs high school students considering a career in the arts, with professional artists who mentor them. The students learn how to be a successful artist, from buying supplies, pricing work and how to have a show, all while working on their artwork. The participants have provided an art exhibit which is on display in room 511C and will up for the rest of the summer. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Representative Peake.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, meteorologist Mish Michaels and students from the Hunnewell Elementary School in Wellesley. The group was recognized for conceiving the original idea for House, Bill 2864 - An Act designating Ms. G of the Massachusetts Audubon Society as the official groundhog of the Commonwealth. This bill was part of an effort to show students how a bill becomes a law, and to encourage elementary school children to learn more about meteorology and the physical sciences. Ms. G will be the first official female groundhog in the country and resides at the MA Audubon Drumlin Farm Wildlife Sanctuary in Lincoln. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senators Ross and Keenan.

Report.

Report of the Fall River District Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003) submitting a plan for expenditure from the County Registers Technological Fund (copies will be forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received July 17, 2014),-- **was placed on file.**

Petition.

Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2282) of Bruce E. Tarr and Ann-Margaret Ferrante (with the approval of the mayor and city council) for legislation to authorize Cary Gould of the city of Gloucester to take the examination

for appointment as a police officer in the city notwithstanding the maximum age requirement [Local approval received];
Under Senate Rule 20, referred to the committee on Public Service.
Sent to the House for concurrence.

Reports of Committees.

By Mr. Lewis, for the committee on Public Service, on petition, a Bill to establish a sick leave bank for James Goguen, an employee of the Department of Developmental Services (Senate, No. 2268);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2194), a Bill to authorize the town of Ipswich to issue two additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2279) [Local approval received on Senate, No. 2194]; and
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2233), a Bill to authorize the licensing authority of the city of Woburn to issue additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2280) [Local approval received on Senate, No. 2233];
Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:
Petition (accompanied by bill, House, 4313) of Kate Hogan (by vote of the town) that the town of Hudson be authorized to issue four additional licenses for the sale of alcoholic beverages to be drunk on the premises;
Petition (accompanied by bill, House, No. 4314) of Kate Hogan (by vote of the town) that the town of Hudson be authorized to grant additional licenses for the sale of all alcoholic beverages and wine and malt beverages to be drunk on the premises;
Severally, to the committee on Consumer Protection and Professional Licensure.

Bills

Relative to members of the Professional Fire Fighters of Massachusetts (House, No. 2295, amended,-- on petition); and
Designating the month of March as multiple system atrophy awareness month (House, No. 2865,-- on petition);
Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

There being no objection, at two minutes past one o'clock P.M., the Chair (Mr. Richard T. Moore) declared a recess subject to the call of the Chair; and, at a quarter before two o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and staff then recited the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-
Resolutions (filed by Ms. Lovely) "honoring Robert Flachbart on his Honor Flight New England trip to Washington, D.C."; Resolutions (filed by Mr. Pacheco) "congratulating James Richard Smith on his elevation to the rank of Eagle Scout"; and Resolutions (filed by Messrs. Timilty and Joyce) "celebrating the Sharon Public Library, Carnegie Library Building, centennial."

PAPERS FROM THE HOUSE

Engrossed Bills and Resolves Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill increasing the salaries of district attorneys (see House, No. 4294) [for message, see attachment C of House, No. 4300],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

There being no objection, the rules were suspended, on the motion of Mr. Brewer, and the Governor's amendment was rejected.
Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to county government financial management (see House, No. 4295) [for message, see attachment D of House, No. 4300],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor (as approved by the House Committee on Bills in the Third Reading).

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

There being no objection, the rules were suspended, on the motion of Mr. Brewer, and the Governor's amendment was rejected.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the Commonwealth to reimburse qualifying municipalities for federal military reservation students (see House, No. 4296) [for message, see attachment E of House, No. 4300],-- came from the House with the endorsement that the House had *rejected* the amendment recommended by the Governor, (as approved by the House Committee on Bills in the Third Reading).

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

There being no objection, the rules were suspended, on the motion of Mr. Barrett, and the Governor's amendment was rejected.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Resolve providing for an investigation and study by a special commission relative to establishing a tax credit for medical devices of manufacturing companies (see House, No. 4297) [for message, see House, No. 4300, attachment F],-- came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:-

"Resolved, that a special commission to consist of 3 members of the senate, 1 of whom shall be the senate chair of the joint committee on revenue, 1 of whom shall be the senate chair of the joint committee on economic development and emerging technologies and 1 of whom shall be appointed by the minority leader, 3 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on revenue, 1 of whom shall be the house chair of the joint committee on economic development and emerging technologies and 1 of whom shall be appointed by the minority leader, the commissioner of revenue or a designee who shall serve as the chair and 4 persons to be appointed by the governor: 1 of whom shall be a representative of the Massachusetts Medical Society; 1 of whom shall be a representative of the Massachusetts Medical Device Industry Council, Inc.; 1 of whom shall be a representative of the Associated Industries of Massachusetts, Inc.; and 1 of whom shall be a representative of the Donahue Institute at the University of Massachusetts is hereby established for the purpose of making an investigation and study relative to the feasibility of establishing a tax credit for medical device manufacturing companies that are adversely affected by increases in the excise tax on medical device manufacturers pursuant to 26 U.S.C. section 4191, added by section 1405 of the Health Care and Education Reconciliation Act, Public Law 111-152. The commission shall examine factors including, but not limited to: (i) the potential cost to the commonwealth; (ii) the potential benefit derived by affected businesses; and (iii) the economic impact on the commonwealth of instituting such a credit."

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Welch, and, on motion of Mr. Brewer, the Governor's amendment was considered forthwith and adopted, in concurrence.

Sent to the House for re-enactment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the transfer of members of the Franklin Regional Council of Governments to the state employees' retirement system (see House, No. 4298) [for message, see House, No. 4300, attachment G],-- came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:-

"SECTION 1. Notwithstanding any general or special law to the contrary, the accumulated deductions, including interest, credited as of July 1, 2014 to the annuity savings accounts of persons actively employed by the Franklin regional council of governments who are active members of the Franklin regional retirement system and otherwise eligible for membership in the state employees' retirement system, shall be transferred to the state employees' retirement system. The public employee retirement administration commission shall certify to the state board of retirement that the amounts transferred under this section are accurate.

Upon completion of the required documentation and acceptance by the state board of retirement under applicable laws and regulations, persons actively employed by the Franklin regional council of governments who are active members of the Franklin regional retirement system shall become members of the state employees' retirement system as of July 1, 2014 and shall be subject to the rules and regulations of the state employees' retirement system.

The Franklin regional council of governments and the Franklin regional retirement system shall transfer to the state board of retirement all records related to the employment of persons affected by this section related to their membership in the Franklin regional retirement system.

For any transferred employee under this section, determinations related to the membership, retirement benefits including, but not limited to, eligibility for benefits, creditable."

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Rosenberg, and, on motion of Mr. Brewer, the Governor's amendment was

**considered forthwith and adopted, in concurrence.
Sent to the House for re-enactment.**

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to certain expenditures from the community first trust fund (see House, No. 4299) [for message, see House, No. 4300, attachment H],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

By striking out all after the enacting clause and inserting in place thereof the following:-

"SECTION 1. To the extent allowed by federal law, not less than \$6,100,000 from the Community First Trust Fund established in section 35AAA of chapter 10 of the General Laws, inserted by section 25 of chapter 165 of the acts of 2014, shall be expended to adjust the approved program rates issued under 101 CMR 417.03 to provide a rate add-on for wages, compensation or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services to elderly clients under items 9110-1500, 9110-1630 and 4000-0600 of section 2 of said chapter 165.

SECTION 2. This act shall take effect as of July 1, 2014."

**The rules were suspended, on motion of Mr. Brewer, and, on motion of the same Senator, the Governor's amendment was considered forthwith and adopted, in concurrence.
Sent to the House for re-enactment.**

Engrossed Bill - Amended

The engrossed Bill relative to juvenile life sentences for first degree murder (see House, No. 4307),-- came from the House, passed to be engrossed, in concurrence, *with an amendment* 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 for the further regulation of juvenile sentences for first degree murder, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The rules were suspended, on motion of Mr. Brownsberger, and the House amendment was adopted, in concurrence.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Margaret Poindexter, an employee of the Massachusetts Department of Transportation (see Senate, No. 2185, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 11 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Lana A. Soricelli, an employee of the Executive Office for Administration and Finance (see House, No. 4202, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 14 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the expansion of the Boston Convention and Exhibition Center (see House, No. 4308), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 9 to 1.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill prohibiting the possession, sale, trade and distribution of shark fins (see House, No. 4088, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Authorizing the town of Heath to continue the employment of Margo Ann Newton as police chief (see Senate, No. 1789,

amended); and

Granting creditable service to employees of the Dedham Westwood Water District (see House, No. 2387, amended).

Report of Committees.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Anthony W. Petrucci for legislation to adjust the number of racing days at Suffolk Downs.

Senate Rule 36 was suspended, on motion of Mr. Petrucci, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4318) of John J. Binienda for legislation to establish a sick leave bank for Robert Binton, an employee of the Department of Transportation; and

Petition (accompanied by bill, House, No. 4319) of Todd M. Smola and Stephen M. Brewer for legislation to establish a sick leave bank for Rose M. Passy, an employee of the Department of Developmental Services;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Thursday, July, 24, 2014, within which time to make its final report on current Senate documents numbered 233, 252, 259, and 273, and House documents numbered 360, 361, 379, 390, 424, 445, 448, 499, and 3291.

The rules were suspended, on motion of Ms. Chang-Diaz, and, the order was considered forthwith; and after remarks, was adopted, in concurrence.

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, August 1, 2014, within which time to make its final report on current Senate documents numbered 530, 542, and 554, and House documents numbered 1023, 1752, and 3726.

The rules were suspended, on motion of Mr. Welch, and, the order was considered forthwith; and, after remarks, was adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill amending chapter 422 of the Acts of 2006 relative to the Worcester DCU arena and convention center (Senate, No. 2227),-- **was read a second time and ordered to a third reading.**

The House Bill relative to the reduction of gun violence (House, No. 4285),-- was read a second time.

After debate, the pending amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2265,-- was considered.

Mr. Lewis moved to amend the proposed new text by inserting after section 99, the following section:-

"SECTION 99A. The department of public health, in consultation with the center for health information and analysis, shall develop an implementation proposal and spending plan to create a data warehouse, linking relevant private and public data systems in order to receive near real-time data feeds from vital records, hospitals and other clinical partners. In the proposal, all efforts shall be made by the department and the center to limit duplicative reporting requirements by vital records, hospitals and other clinical partners. The proposal shall: (a) streamline the operation of applicable institutional review boards; (b) engage academic partners to help support surveillance and evaluation activities; (c) amend the department's reporting functions in order to allow for expedited reporting based on partially complete but statistically reliable data; and (d) set forth the timeline for implementing the data warehouse. The warehouse shall be subject to the federal Health Insurance Portability and Accountability Act of 1996, 42 CFR Part 2 and all other applicable state and federal laws governing the confidentiality of personal data.

The department, in consultation with the center, shall submit the implementation proposal and spending plan, as well as any additional legislative language necessary to implement the data warehouse project, not later than December 1, 2014, to the house and senate committees on ways and means, the joint committee on public safety and homeland security, the joint committee on health care financing and the joint committee on public health."

After remarks, the amendment was adopted.

Messrs. Keenan and Eldridge moved to amend the proposed new text by inserting the following two new sections:-

"SECTION XX: Chapter 111 of the General Laws is hereby further amended by inserting the following new section:

Section 233. The department shall direct the division on violence and injury prevention to develop educational materials on harm reduction, which shall be discussed and distributed by the instructor to every participant in a hunter education course as provided in section 14 of chapter 131 of the General Laws, and to every participant in a basic firearms safety course as provided in section 131P of chapter 140 of the General Laws.

The purpose of said educational materials shall be to promote suicide prevention through safe practices by firearms owners to reduce access to lethal means. The materials shall include, but shall not be limited to, information on the following: (1) the prevalence of firearms suicide as compared to other forms of firearms violence, including demographic trends; (2) the risks of injury and suicide that may be associated with household firearms, to include the rate of survival for suicide attempts by firearm as compared to other means of attempted suicide; (3) best practices for identifying and reducing the risk of suicide involving household firearms; (4) available resources to learn more about safe practices and suicide prevention; and (5) additional information determined by the commissioner to be relevant to the purpose herein described.

The department shall further direct the division to develop a notice providing information on suicide prevention, which shall be available on the department's website and which shall be posted and distributed in accordance with clause the fourteenth of section 123 of chapter 140. Such notice shall include, but not be limited to the following: information on signs and symptoms of depression, the state and federal suicide prevention hotlines, and resources for an individual at risk of suicide.

SECTION XX: Section 131P of Chapter 140, as so appearing, is hereby further amended in subsection (b) by striking the words 'and (d)' in line 52 and inserting in place thereof the following:-(d) the educational materials on harm reduction as developed pursuant to section 233 of chapter 111 of the General Laws; and (e)."

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. Candaras and Ms. Chang-Diaz moved to amend the proposed new text by adding the following sections:-

"SECTION XX. Section 22 of Chapter 32A of the General Laws is hereby amended by striking out the last paragraph, inserted by section 1 of chapter 80 of the acts of 2000, and inserting in place thereof the following paragraph:-

For the purposes of this section, 'licensed mental health professional' shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION XX. Section 47B of Chapter 175 of the General Laws is hereby amended by striking out the next to the last paragraph, inserted by section 2 of chapter 80 of the acts of 2000, and inserting in place thereof the following paragraph:-

For the purposes of this section, 'licensed mental health professional' shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION XX. Section A of Chapter 176A of the General Laws is hereby amended by striking out the next to the last paragraph, inserted by section 4 of chapter 80 of the acts of 2000, and inserting in place thereof the following paragraph:-

For the purposes of this section, 'licensed mental health professional' shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION XX. Section 4A of Chapter 176B of the General Laws is hereby amended by striking out the next to the last paragraph, inserted by section 6 of chapter 80 of the acts of 2000, and inserting in place thereof the following paragraph:-

For the purposes of this section, 'licensed mental health professional' shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION XX. Section 4M of Chapter 176G of the General Laws is hereby amended by striking out the next to the last paragraph, inserted by section 10 of chapter 80 to the acts of 2000, and inserting in place thereof the following paragraph:-

For the purposes of this section, 'licensed mental health professional' shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, a licensed nurse mental health clinical specialist, or a licensed educational psychologist within the lawful scope of practice for such educational psychologist.

SECTION XX. This act shall apply to all policies, contracts, agreements, plans and certificates of insurance issued or delivered within or without the commonwealth on or after March 1, 2006, and to all policies, contracts, agreements, plans and certificates of insurance in effect before that date upon renewal or after March 1, 2006."

After remarks, the amendment was rejected.

Mr. Keenan and Ms. Candaras moved to amend the proposed new text in section 4, by striking the words "and (iii)" in line 31, and inserting in place thereof the following:-

"(iii) aggregate data on the source of any firearms that have been confiscated or identified as being used in a crime during the report period, including aggregate information on the manufacturer, state of origin, and last known point of sale, transfer, loss or theft of such firearms; and (iv)".

The amendment was adopted.

Messrs. Michael O. Moore and Humason moved to amend the proposed new text in section 10, in proposed section 37P of chapter 71, by adding the following subsection:-

"(e) Notwithstanding subsection (b), if the chief of police, in consultation with the superintendent, determines that there are not sufficient resources to assign a school resource officer to serve the city, town, regional school district or county agricultural school, the chief of police shall consult with the department of state police to ensure that a school resource officer is assigned, subject to appropriation; provided further that, if a state police officer is assigned to a city, town, regional school district or county agricultural school, assignment shall not be based solely on seniority and a candidate shall be considered who would strive to foster an optimal learning environment and educational community; provided further, that there shall be placed on file in the office of the superintendent and the department of state police a memorandum of understanding clearly defining the roles and duties of the school resource officer.";

In section 11, by inserting after the word "all", in line 156, the following word:- "licensed"; and

In said section 11, by striking out, in line 157, the words "90 days" and inserting in place thereof the following words:- "1 year".

After remarks, the amendment was adopted.

Mr. Keenan and Ms. Candaras moved to amend the proposed new text in section 10, by striking subsection (d) in lines 118 and 119, and inserting in place thereof the following:-

"(d) The secretary shall waive the requirements of this section if the city or town applying for the waiver has demonstrated, in accordance with section 27C of chapter 29, a deficiency in the state appropriation required to carry out this section.

(e) The department of elementary and secondary education shall promulgate rules or regulations necessary to carry out this section."

The amendment was *rejected*.

Mr. Keenan moved to amend the proposed new text in section 8, by inserting after the word "upgrades" in line 77, the following:- "and technological devices".

After remarks, the amendment was adopted.

Mr. Brownsberger and Ms. Jehlen moved to amend the proposed new text by adding the following new sections:-

"SECTION 10A. Chapter 272 of the General Laws is amended by striking out section 40, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:

Section 40. Disturbance of assemblies.

Whoever willfully interrupts or disturbs an assembly of people met for a lawful purpose shall be punished by imprisonment for not more than one month or by a fine of not more than fifty dollars; provided, however, that an elementary or secondary school student shall not be charged, adjudicated, or convicted for alleged violation of this provision due to conduct within school buildings or grounds or in the course of school-related events. Whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.

SECTION 10B. Chapter 272 is hereby further amended by striking out subsection (b) of section 53, as appearing in the 2010 Official Edition, and inserting in place thereof the following subsection:

(b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished by a fine of not more than \$150. On a second or subsequent offense, such person shall be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment, provided, however, that an elementary or secondary school student shall not be charged, adjudicated, or convicted for alleged violation of this provision due to conduct within school buildings or grounds or in the course of school-related events."

After remarks, the amendment was *rejected*.

Ms. Creem moved to amend the proposed new text in section 16, by adding after the word "court", in line 277, the following:- "shall consider relevant information provided by the chief of police in the city or town where the person resides and".

The amendment was adopted.

Ms. Creem, Ms. Jehlen and Ms. Chang-Diaz moved to amend the proposed new text in section 27, by inserting after the word "information", in line 413, the second time it appears, the following words:- "including, but not limited to, a review of the National Instant Criminal Background Check System or any other appropriate databases".

After remarks, the amendment was adopted.

Ms. Creem and Ms. Jehlen moved to amend the proposed new text by adding the following new section:-

"SECTION XXX. Any person who was issued a license pursuant to section 122 of chapter 140 of the General Laws that is no longer current or valid and who sold a firearm, including any rifle or shotgun, under that license any time after January 1, 1994, shall transmit or cause to transmit, within 180 days of the effective date of this act, all records of firearms sold under that license to the executive office of public safety and security and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Whoever fails to comply with this section shall be punishable by a fine of not less than \$500 and not more than \$5,000; provided, however, no fine shall be assessed if the executive office of public safety determines that, upon written explanation within, a person otherwise in violation of this section cannot reasonably comply."

The amendment was *rejected*.

Ms. Creem, Mr. Barrett and Ms. Chang-Diaz moved to amend the proposed new text by striking lines 1119 to 1130 in their entirety and inserting in place thereof the following:-

"(b) A person convicted of a violation of subsection (a) shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 10 years. Prosecutions commenced pursuant to this subsection shall neither be continued without a finding nor placed on file."; and

By striking lines 1135 to 1146 in their entirety and inserting in place thereof the following:-

"(b) A person convicted of a violation of subsection (a) shall be punished by imprisonment in the state prison for not less than 7

years nor more than 20 years. Prosecutions commenced pursuant to this subsection shall neither be continued without a finding nor placed on file."

The amendment was *rejected*.

Messrs. Rush and Ross moved to amend the proposed new text by inserting after section __, the following new section:-

"SECTION __. Section 131M of chapter 140 of the 2012 official edition of the General Laws is hereby amended, in line 12, by striking out the words:- 'for purposes of law enforcement'."

After remarks, the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matter was considered forthwith:

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill relative to juvenile life sentences for first degree murder (see House, No. 4307, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 18 to 1.

The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to the reduction of gun violence (House, No. 4285),-- was further considered, the main question being on ordering the bill to a third reading.

Ms. Creem moved to amend the proposed new text in section 36A, by striking said section in its entirety and inserting in place there of the following:-

"SECTION 36A. Said section 129B of said chapter 140, as so appearing, is hereby further amended by striking out in lines 247 and 248 the words 'shall be subject to a civil fine of not less than \$500 nor more than \$5,000 and the provisions of said section 10 of said chapter 269 shall not apply' and inserting in place thereof the following:- , shall for licenses which have been expired for less than 30 days be subject to a civil fine of not less than \$100 nor more than \$5,000 and for licenses which have been expired for more than 30 days but less than 90 days be subject to a civil fine of not less than \$500 nor more than \$5,000 and the provisions of said section 10 of said chapter 269 shall not apply. Any person in possession of a non-large capacity rifle or shotgun whose firearm identification card issued under this section is invalid for the sole reason that it has expired not including licenses that remain valid under paragraph (9) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall if such license has been expired for a period of time exceeding 90 days be guilty of a crime and subject to the issuance of a warrant for his arrest as well as a warrant issued pursuant to chapter 276, and upon conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 and the provisions of said section 10 of said chapter 269 shall not apply."; and

In section 56 by striking in lines 878 and 879 the words "be subject to a civil fine of not less than \$100" and inserting in place thereof the following:- ", shall for licenses which have been expired for less than 30 days be subject to a civil fine of not less than \$100 nor more than \$5,000 and for licenses which have been expired for more than 30 days but less than 90 days be subject to a civil fine of not less than \$500 nor more than \$5,000 and the provisions of said section 10 of said chapter 269 shall not apply. Any person in possession of a non-large capacity rifle or shotgun whose firearm identification card issued under this section is invalid for the sole reason that it has expired not including licenses that remain valid under paragraph (9) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall if such license has been expired for a period of time exceeding 90 days be guilty of a crime and subject to the issuance of a warrant for his arrest as well as a warrant issued pursuant to chapter 276, and upon conviction thereof shall be punished by a fine of not less than \$1,000".

The amendment was *rejected*.

Mr. Humason moved to amend the proposed new text by inserting the following section:-

"SECTION __

SECTION 1. Section 64 of Chapter 131 of the General Laws is hereby amended by striking, in the title, the word 'bows'.

SECTION 2. Said section 64 is hereby further amended by striking the words 'or any crossbow'.

SECTION 3. Section 69 of Chapter 131 is hereby amended by deleting it in its entirety and replacing it with the following:-

Chapter 131, Section 69. A person shall not carry or use a bow and arrow or crossbow while hunting unless said bow and arrow or crossbow meet such requirements as may be set by rules and regulations which the director is hereby authorized to promulgate. Such rules and regulations shall prescribe general design, weight of pull, and type of bows and arrows or crossbows, and shall conform to standards generally accepted for hunting purposes."

The amendment was *rejected*.

Ms. Creem, Ms. Jehlen and Ms. Chang-Diaz moved to amend the proposed new text in section 27, by adding at the end thereof the following:- "Provided that a sale or transfer under this section may be conducted and take place at the location of a dealer licensed pursuant to section 122, who shall transmit the information required by this section for purchases and sales to the department of criminal justice information services. A licensed dealer may charge the seller a fee not to exceed \$25 for each sale or transfer submitted on behalf of the seller to the department of criminal justice information services".

The amendment was *rejected*.

Mr. Keenan moved to amend the proposed new text by inserting the following new section:-

"SECTION XX: There is hereby established a task force to consist of: the secretary of the executive office of public safety and security or a designee; the commissioner of public health or a designee; 1 person selected by the Gun Owners' Action League, Inc.; 1 person selected by the Massachusetts Chiefs of Police Association; 1 person selected by the committee for public counsel services; 1 person selected by the National Alliance on Mental Illness of Massachusetts, Inc.; and 1 person appointed by the Massachusetts District Attorneys Association.

The task force shall study and report on suitable and feasible options for the safekeeping of a distressed person's firearms, in a location away from the household, by his or her relations or community nongovernmental organizations including, but not limited to, legal protections for: (1) private citizens acting as good samaritans, who are of direct relation to the distressed person by family or affection; (2) turn-in and temporary storage of a distressed person's firearm by a licensed gun store or gun club; (3) and turn-in and temporary storage of a distressed person's firearm by any other type of organization or facility under registration as a firearms safe harbor.

The task force shall be provided with quarters in the state house or elsewhere and may: (i) expend for expenses and for expert, legal, clerical and other assistance such sums as may be appropriated therefor; (ii) travel within the commonwealth; and (iii) hold hearings. Private or executive meetings of the task force shall be open to the public unless a majority of the members of the task force shall vote otherwise. A notice of each such meeting shall be filed with the clerk of either branch, and the notice or a copy thereof shall be publicly posted in the office of such clerk at least 24 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays.

The task force shall report the results of its study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the report with the clerks of the house of representatives and senate on or before July 31, 2015. The clerks of the house of representatives and senate shall forward the report to the chairs of the joint committee on public safety and the chairs of the joint committee on mental health and substance abuse."

The amendment was *rejected*.

Mr. Keenan moved to amend the proposed new text in section 9, by striking the words "shall maintain a copy of the plans on file and may submit comments to the authority and school district" in lines 87 and 88, and inserting in place thereof the following:- "may submit comments to the authority and school district. Upon completion of the approved construction, the authority shall, in cooperation with a school district or municipality, submit updated, as-built plans to the local police department, fire department, Massachusetts emergency agency and any regional law enforcement entity, a copy of which shall be maintained on file by each department or agency in receipt of the plans."

After remarks, the amendment was adopted.

Messrs. Barrett, Eldridge and Keenan and Ms. Chang-Diaz moved to amend the proposed new text in section 20, in line 344, by striking out the words "under treatment for or"; in line 346, by striking out the words "cured of," and inserting in place thereof the following:- "in recovery from"; and in lines 347 and 348, by striking out the words "or treatment", and in line 351, by striking out the words "deemed cured" and inserting in place thereof the following:- "in recovery".

After remarks, the amendment was adopted.

Ms. Jehlen moved to amend the proposed new text in section 12, by striking out, starting in line 179, the sentence "Names, addresses or other identifying factors shall not be included"; by inserting after the number "31" in line 184, the following:-

"Names, addresses or other identifying factors shall not be included"; and by striking out the third paragraph and inserting in place thereof the following paragraph:-

"Offices and agencies in custody of the data listed in this section shall provide said data to the commissioner in compliance with this act. The commissioner shall work in conjunction with said offices and agencies to ensure that data sharing mechanisms are in compliance with all applicable laws relating to privacy protection."

The amendment was adopted.

Mr. Timilty moved to amend the proposed new text in section 58, in proposed section 131E of chapter 140 of the General Laws, by striking out, in lines 928 to 938, inclusive, the words "A person who uses a license to carry firearms or a firearm identification card to purchase a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 dollars or by imprisonment for not less than 2 ½ years nor more than 10 years in a state prison or by both such fine and imprisonment. A conviction of a violation of this section shall be reported immediately by the court to the licensing authority that issued the license or firearm identification card. The licensing authority shall immediately revoke the license or firearm identification card pursuant to said section 129B or said section 131 shall be issued to a person convicted of a violation of this section within 2 years after the date of the revocation of the license or firearm identification card." and inserting in place thereof the following 2 paragraphs:-

"A firearms collector, licensed pursuant to 18 U.S.C. § 923(b), may purchase a rifle, shotgun or firearm that was not previously owned or registered in the commonwealth from a dealer licensed under section 122, if that rifle, shotgun or firearm is a curio or relic as defined by 27 CFR § 478.11.

A person who uses a license to carry firearms or a firearm identification card to purchase a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or by imprisonment for not less than 2 ½ years nor more than 10 years in a state prison or by both such fine and imprisonment. A conviction of a violation of this section shall be reported immediately by the court to the licensing authority that issued the license or firearm identification card. The licensing authority shall immediately revoke the license or firearm identification card pursuant to said section 129B or said section 131 shall be issued to a person convicted of a violation of this section within 2 years after the date of the revocation of the license or firearm identification card."

After remarks, the amendment was adopted.

Ms. Forry and Ms. Chang-Diaz moved to amend the proposed new text by inserting the following section:

"SECTION xxxx The Department of Public Health shall make available not less than \$100,000; and provided further that same amount of funding support be awarded to a community organization with proven educational programs and social service interventions to prevent women from being exploited and aimed at reducing the Straw Purchasing and Gun Trafficking of Guns by Women."

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Humason and Ross moved to amend the proposed new text in section 11, by inserting after the word "department" in line 155, the following words:- "subject to appropriation".

After remarks, the amendment was adopted.

Ms. Jehlen and Ms. Candaras moved to amend the proposed new text in section 10, by inserting in line 104, after the words "regional school district" the following:- "a commonwealth charter school"; and by inserting in line 106, after the word "officer" the following:- ", which may be the same officer for all schools in said city or town".

After remarks, the amendment was adopted.

Mr. Rosenberg, Ms. Chang-Diaz and Mr. Keenan moved to amend the proposed new text in section 10, by inserting after the word "community", in line 109, the following words:- "; provided, however, that the chief of police shall give preference to candidates who have received specialized training in child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents, behavioral health disorders in children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and behavioral threat assessment methods."; in said section 10, in proposed subsection (c) of proposed section 37P of chapter 71 of the General Laws, by adding the following sentence:- "The written application shall include: (i) the reasons for the waiver request; (ii) data or evidence supporting the waiver request; and (iii) a description of, and supporting data for, alternative procedures and resources relied upon to ensure safe schools."; in said section 10, in proposed section 37P of said chapter 71, by adding the following subsection:-

"(e) No public employer shall be liable for injury, loss of property, personal injury or death caused by any act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing any specific duty of care.";

In said section 10, in proposed section 37Q of said chapter 71, by adding the following subsection:-

"(d) No public employer shall be liable for injury, loss of property, personal injury or death caused by any act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing any specific duty of care."; and

In said section 10, in proposed section 37R of said chapter 71, by adding the following subsection:-

"(c) No public employer shall be liable for injury, loss of property, personal injury or death caused by any act or omission of a public employee while acting in the scope of the public employee's employment and arising out of the implementation of this section. This section shall not be construed as creating or imposing any specific duty of care.".

The amendment was adopted.

Ms. Jehlen moved to amend the proposed new text by inserting at the end thereof the following new section:- "SECTION XX. Section 131L of chapter 140 of the General Laws as appearing in the 2012 Official Edition is hereby amended by striking out, in line 34, the words 'under the age of 18'."

The amendment was *rejected*.

Ms. Creem, Mr. Eldridge, Ms. Candaras and Ms. Lovely moved to amend the proposed new text by adding the following new section:-

"SECTION XX. Chapter 6 of the General Laws is hereby amended by inserting after section 116E the following section:-

Section 116F. (a) The municipal police training committee shall establish within the recruit basic training curriculum a course for regional and municipal police training schools on or before January 1, 2015, for the training of law enforcement officers in the commonwealth in the handling of complaints involving mental health emergencies and victims, witnesses or suspects with mental illness or mental retardation and also shall develop guidelines for law enforcement responses to incidents involving such persons. The course of instruction and the guidelines shall emphasize:

(1) The enforcement of criminal laws for the benefit of victims and witnesses with mental illness or mental retardation, the availability of civil remedies and community resources for persons experiencing mental health emergencies, and the protection of persons with mental illness or mental retardation and for law enforcement officers engaging such persons;

(2) The laws regarding the defenses of responsibility and competency to stand trial, and the diversion of persons with mental illness or mental retardation for treatment instead of criminal prosecution;

(3) The provision of information to law enforcement officers about individuals suffering from mental illness or mental retardation, including common behaviors and actions exhibited by such individuals; strategies law enforcement officers can use for reducing or preventing the risk of harm arising from persons experiencing mental health emergencies, or from victims,

witnesses or suspects with mental illness or mental retardation with the aim of seeking the least intrusive, restrictive and violent means of addressing such incidences and individuals while protecting the safety of the law enforcement officer and other persons present at the complaint scene.

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 mental illness and mental retardation and consumer-survivors i.e. individuals with mental illness and mental retardation. Training presentations may utilize the staff of community-based mental health or retardation treatment facilities.

As used in this section, 'law enforcement officer'; shall mean any officer of a municipal police department, the department of the state police or the Massachusetts Bay Transportation Authority police department. 'Consumer-survivor' shall mean any individual suffering from mental health disability or mental retardation.

(b) All law enforcement recruits shall receive the course of basic training for law enforcement officers, established in paragraph (a) of this section, as part of their required certification process.

(c) The course of instruction, the learning and performance objectives, the standards for training, and the guidelines shall be developed by the municipal police training committee in consultation with groups and individuals having an interest and expertise in the field of mental health and community-based treatment.

(d) The municipal police training committee periodically shall include within its in-service training curriculum a course of instruction on handling complaints from or against persons with mental illness and mental retardation, consistent with the provisions of sub-paragraphs one through three of paragraph (a) of this act."

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text by striking out section 77 in its entirety.

The amendment was *rejected*.

Ms. Chang-Diaz and Mr. Eldridge moved to amend the proposed new text by striking out lines 97-101 and inserting in place thereof the following text:-

"'School resource officer', an individual with security experience and expertise in either violence prevention or restorative justice techniques charged with providing safety services to elementary and secondary public schools. For the purpose of this section a school resource officer shall be exempt from subsection (j) of section 10 of chapter 269, while serving in the officer's official capacity."

The amendment was *rejected*.

Mr. Rosenberg and Ms. Creem moved to amend the proposed new text by inserting at the end thereof the following new section:

"SECTION X. The Commonwealth of Massachusetts Board of Registration of Psychologists shall amend its regulations to include schools as Health Service Training Program sites for purposes of accruing supervised health service training hours applicable to licensure as a doctoral level psychologist with certification as a health services provider. Eligible training at a school site must occur as part of a formal training affiliation between a school and an organized integrated training program, provided however, that the organized integrated training program can provide a licensed psychologist to for purposes of supervision for doctoral trainees in clinical psychology if a school does not have a licensed psychologist as a member of the school staff."

After remarks, the amendment was adopted.

Ms. Donoghue and Ms. Candaras moved to amend the proposed new text by striking out lines 1208 through 1218, inclusive, and inserting in place thereof the following:-

"Section 10I. (a) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to use said weapon for the commission of criminal activity shall be punished by a term of imprisonment of not less than 5 years nor more than 10 years in the state prison.

(b) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to unlawfully distribute, sell, or transfer possession of it to a prohibited person shall be punished by a term of imprisonment of not less than 10 years nor more than 20 years in the state prison.

(c) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to unlawfully distribute, sell, or transfer it to a prohibited person, and if such weapon is subsequently used to cause the death of another, shall be punished by a term of not less than 20 years in the state prison."

After remarks, the amendment was adopted.

Ms. Donoghue moved to amend the proposed new text by inserting at the end thereof the following new sections:-

"SECTION XX. Section 10 of chapter 269 is hereby amended by striking out paragraph (b), as appearing in the 2010 Official Edition, and inserting in place thereof the following paragraph:-

(b) As used in this paragraph, the following words shall have the following meanings:

1. 'ballistic knife', a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. The term "ballistic knife" shall not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater speargun;

2. 'billy club', a hand-held instrument designed for striking another with concussive force, and shall include a nightstick, tonfa, spring-stick, or telescoping metal baton;

3. 'blackjack', a hand-held instrument with a weighted end designed for striking with concussive force;

4. 'brass knuckles', a set of metal finger rings or guards attached to a transverse piece and worn over the front of the doubled fist for use as a weapon, and includes any such device whether made of brass, or of some other metal, or of another hard composite substance. This definition shall include a knuckle-knife, meaning any brass knuckles attached to a blade;

5. 'butterfly knife', any knife having a blade encased in a split handle that manually unfolds with hand or wrist action with the assistance of inertia, gravity or both;
6. 'dagger', a bladed instrument designed for use as a weapon, including but not limited to a dirk, stiletto, push-knife, boot knife, combat knife, or fighting knife;
7. 'disguised knife', any knife designed so that it is not readily recognizable as a knife, and appears instead to be some non-threatening item such as a lipstick, pen, belt buckle, air gauge, or any other common item;
8. 'electrical weapon', a portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill, including, but not limited to, a taser or stun gun;
9. 'knife', a cutting or stabbing instrument of metal or other resilient substance, and shall include, but not be limited to, a sword or machete;
10. 'leaded gloves', any gloves or other hand-covering which are manufactured or modified such that they contain a weighted element such as lead shot, designed so that the wearer may strike another with enhanced force;
11. 'nunchaku', two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, capable of striking another with force sufficient to cause injury;
12. 'switchblade knife', any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches;
13. 'throwing star', a shuriken, or any instrument with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing;
14. 'undetectable knife', any knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that is not detectable by a metal detector or magnetometer set at standard calibration.

Whoever, except as provided by law, carries on his person, or under his control in a vehicle, any dagger; any knife having a double-edged blade; any ballistic knife; any switchblade knife; any butterfly knife; any disguised knife; any undetectable knife; any blackjack; any billy club; any brass knuckles; any leaded gloves; any nunchaku; any throwing star; any electrical weapon; or any other knife having a blade length of greater than 3½ inches that is possessed during the commission of any felony or misdemeanor, or that is used or intended to be used in an assaultive or otherwise unlawful manner; shall be punished by up to 5 years in the state prison, or up to two and one half years in a jail or house of correction, or a fine of up to \$1,000, or both. Whoever, after having been convicted of one or more felonies in any state or federal court, violates the provisions of this paragraph shall be punished by imprisonment for a mandatory minimum period of not less than 1 year nor more than 5 years in the state prison, or not less than a mandatory minimum of six months nor more than two and one half years in a jail or house of correction. Such a sentence shall not be suspended, nor shall any person so sentenced be eligible for probation or receive any deduction from his sentence for good conduct. A fine of not more than \$1,000 may be imposed, but not in place of the mandatory minimum term of incarceration. Whoever shall violate the provisions of this section while in the commission of any felony shall, in addition to any penalty for that felony, be punished by imprisonment for not less than a mandatory minimum period of two and one half years nor more than ten years in the state prison, or not less than a mandatory minimum of two years nor more than two and one half years a jail or house of correction. A fine of not more than \$5,000 may be imposed, but not in place of the mandatory minimum term of incarceration.

Nothing in this section shall prohibit possession of the above weapons by (i) a federal, state or municipal law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility, acting in the discharge of his or her official duties who has completed a training course approved by the secretary of public safety in the use of such a device or weapon; (ii) military personnel who possess such weapons in question as part of their official duties; or (iii) an authorized supplier of such devices or weapons if possession of the device or weapon is necessary to the supply or sale of the device or weapon within the scope of a legitimate sale or supply enterprise.

SECTION XX. Subsection (o) of said Section 10 of Chapter 269, as so appearing, is hereby further amended by striking the words 'this section' in line 234, and inserting in its place the following :- subsection (n)."

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Humason and Ross moved to amend the proposed new text in section 99, by inserting after "education" in line 1342, the following words:-"subject to appropriation".

After remarks, the amendment was adopted.

Mr. Barrett moved to amend the proposed new text in section 78, by inserting in line 1129, after the word "institution" the following:- "; provided, further, that said restrictions on eligibility for probation, parole, work release, furlough or the deduction from a person's sentence for good behavior shall not apply if there are found to be substantial mitigating circumstances, including but not limited to the sexual trafficking by the victim of the person convicted of a violation of subsection (a) or the prior commission of domestic violence, rape, sexual assault or stalking by the victim against the person convicted of a violation of subsection (a)".

The amendment was *rejected*.

Mr. Barrett moved to amend the proposed new text in section 78, by inserting in line 1144, after the word "institution" the following:- "; provided, further, that said restrictions on eligibility for probation, parole, work release, furlough or the deduction from a person's sentence for good behavior shall not apply if there are found to be substantial mitigating circumstances, including but not limited to the sexual trafficking by the victim of the person convicted of a violation of subsection (a) or the prior commission of domestic violence, rape, sexual assault or stalking by the victim against the person convicted of a violation of subsection (a)".

The amendment was *rejected*.

Mr. Tarr moved to amend the proposed new text in section 78, by striking lines 1131 through 1146, inclusive.

The amendment was *rejected*.

Mr. Richard T. Moore moved to amend the proposed new text by inserting after section 13, the following section:-

"SECTION 13A. Section 121 of chapter 140, as appearing in the 2012 Official Edition, is hereby amended by inserting after the definition of "Conviction" the following definition:-

'Deceptive weapon device', any device or item used in the commission of a violent crime that is intended to convey the presence of a weapon to a potential victim or law enforcement officer; provided, however, that a deceptive weapon device shall include, but shall not be limited to, a common air gun, toy guns or substance carved or fashioned to resemble a weapon."; and

By inserting after section 83 the following section:-

"SECTION 83A. Said chapter 265 is hereby further amended by adding the following section:-

Section 58. Any person who is in possession of a deceptive weapon device as defined in section 121 of chapter 140 during the commission of a violent crime as defined in said section 121 of said chapter 140 shall be deemed to be armed and shall be punishable by penalties set forth in this chapter."

After remarks, the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matter was considered forthwith:

Report of a Committee.

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill designating Ms. G of the Massachusetts Audubon Society as the official groundhog of the Commonwealth (House, No. 2864).

There being no objection, the rules were suspended, on motion of Ms. Creem, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act designating Ms. G of the Massachusetts Audubon Society, Inc. as the official groundhog of the Commonwealth".

Orders of the Day.

Mr. Richard T. Moore in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), the Orders of the Day were further considered as follows:

The House Bill relative to the reduction of gun violence (House, No. 4285),-- was further considered, the main question being on ordering the bill to a third reading.

Mr. Tarr, Ms. Candaras and Messrs. Hedlund, Humason and Ross moved that the proposed new text be amended by striking in section 20 lines 362 through 364 in their entirety and inserting in place thereof the following:- "Whoever purchases, possesses or uses self-defense spray in violation of this in a manner that is not in self-defense, or the defense of another shall be punished by a fine of not less than \$2,000 nor more than \$5,000 or by imprisonment in a house of correction for not less than 6 months nor more than 2 years or both such fine and imprisonment. Whoever, after having been convicted of the crime of improper use of self-defense spray, commits a second and subsequent such crime, shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment in a house of correction for not less than 2 ½ years nor more than 5 years or both such fine and imprisonment."

The amendment was *rejected*.

Ms. Donoghue and Ms. Candaras moved that the proposed new text be amended by inserting at the end thereof the following 6 new sections:-

"SECTION XX. Section 131M of chapter 140 is hereby amended by striking out section 131M in its entirety, as appearing in the 2008 Official Edition, and inserting in place thereof the following:-

'Section 131M. No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of section 122 violates the provisions of this section shall be punished, for a first offense, by a mandatory minimum term of imprisonment in the state prison for not less than 2 years nor more than 20 years, and a fine of not less than \$1000 nor more than \$10,000, and for a second offense, by a mandatory minimum term of imprisonment in the state prison for not less than 5 years nor more than 20 years, and by a fine of not less than \$5000 nor more than \$15,000.

The sentence imposed on such person shall not be reduced to less than 2 years for first offense and 5 years for second offense, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 2 years for a first offense and 5 years for second offense of such a sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this

subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

The provisions of this section shall not apply to: (i) the possession by a law enforcement officer for purposes of law enforcement; or (ii) the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.'

SECTION XX. Section 131N of chapter 140 is hereby amended by striking out section 131N in its entirety, as appearing in the 2008 Official Edition, and inserting in place thereof the following:-

'Section 131N. No person shall sell, offer for sale, transfer or possess any weapon, capable of discharging a bullet or shot, that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors. Whoever violates the provisions of this section shall be punished, for a first offense, by a mandatory minimum term of imprisonment in the state prison for not less than 2 years nor more than 20 years, and a fine of not less than \$1,000 nor more than \$10,000, and for a second offense, by a mandatory minimum term of imprisonment in the state prison for not less than 5 years nor more than 20 years, and by a fine of not less than \$5,000 nor more than \$15,000.

The sentence imposed on such person shall not be reduced to less than 2 years for first offense and 5 years for second offense, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 2 years for a first offense and 5 years for second offense of such a sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.'

SECTION XX. Section 10 of chapter 269 is hereby further amended by striking out, in line 96, the clause 'shall be punished in the state prison for life, or for any term of years provided that any sentence imposed under the provisions of this paragraph shall be subject to the minimum requirements of paragraph (a)' and inserting in place thereof the following:- 'shall be punished by a imprisonment in the state prison for life, or for any term of years, but in no event less than the mandatory minimum term of imprisonment in the state prison for not less than 5 years and up to any term of years. The sentence imposed on such person shall not be reduced to less than 5 years, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such a sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this section shall not be continued without a finding nor placed on file'.

SECTION XX. Said section 10 is hereby further amended by striking out paragraph (d) in its entirety, as appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

'(d) Whoever, after having been convicted of any of the offenses set forth in paragraph (a), (b), (c), (h) or (m) of section 10, or sections 131M or 131N of chapter 140 commits a like offense or any other of the said offenses, shall be punished by imprisonment in the state prison for not less than 5 years nor more than 20 years; for a third such offense, by imprisonment in the state prison for not less than 7 years nor more than 20 years; and for a fourth such offense, by imprisonment in the state prison for not less than 10 years nor more than 20 years. The sentence imposed upon a person, who after a conviction of an offense under paragraph (a), (b), (c), (h) or (m) of section 10, or sections 131M or 131N of chapter 140 commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for probation or receive any deduction from his sentence for good conduct.'

SECTION XX. Said section 10 is hereby further amended by striking out paragraph (h)(1) in its entirety, as appearing in the 2008 Official Edition, and inserting in place thereof the following paragraph:-

'(h)(1) Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of section 129c of chapter 140 shall be punished by imprisonment in the state prison for not more than 5 years or in a jail or house of correction for not more than 2 ½ years. In addition, a fine of not more \$1000 may be imposed. The sentence imposed on such person shall not be continued without a finding or placed on file. Any officer authorized to make arrests may arrest without a warrant any person whom the officer has probable cause to believe has violated this paragraph.'

SECTION XX. Section 10G of chapter 269 is hereby amended by striking paragraphs (a), (b), and (c) and inserting the following paragraphs:-

'(a) Whoever, having been previously convicted of a violent crime or of a serious drug offense, both as defined herein, violates the provisions of paragraph (a), (c), (h) or (m) of section 10, or sections 131M or 131N of chapter 140, shall be punished by imprisonment in the state prison for not less than three years nor more than 15 years.

(b) Whoever, having been previously convicted of two violent crimes, or two serious drug offenses or one violent crime and one serious drug offense, arising from separate incidences, violates the provisions of paragraph (a), (c), (h) or (m) of section 10, or sections 131M or 131N of chapter 140, shall be punished by imprisonment in the state prison for not less than ten years nor more than 15 years.

(c) Whoever, having been previously convicted of three violent crimes or three serious drug offenses, or any combination thereof totaling three, arising from separate incidences, violates the provisions of paragraph (a), (c), (h) or (m) of section 10, or sections 131M or 131N of chapter 140, shall be punished by imprisonment in the state prison for not less than 15 years nor more than 20 years.'."

The amendment was *rejected*.

Mr. Michael O. Moore moved that the proposed new text be amended in section 16, by inserting, in all instances, after the number "8," the following: "-subsection (e) of section 12, subsection (b) of section 15,"; in subsection (a) of section 96, by inserting, after the number "8," in line _____, the following: "-subsection (e) of section 12, subsection (b) of section 15,"; and in subsection (b) of section 96, by striking the number "15" and inserting in place thereof the following: "-subsection (e) of section 12, subsection (b) of section 15,".

After remarks, the amendment was adopted.

Ms. Creem and Ms. Jehlen moved that the proposed new text be amended in section 4, by adding after the word "commonwealth" in line 32, the following: "-"; (iv) information and statistics concerning the number of transactions annually involving multiple purchases of firearms or the purchase by the same licensee of 5 or more firearms in any 4 month period including an analysis of whether any such firearms were used in a crime as identified and reported on in section 131Q of chapter 140".

The amendment was adopted.

Ms. Forry, Ms. Chang-Diaz and Mr. Eldridge moved that the proposed new text be amended by inserting after section 98 the following section: "-SECTION 98A. There shall be a gun violence prevention commission to study primary prevention of gun violence.

(a) The commission shall report to the governor and shall review and recommend programs and interventions to reduce gun violence and promote peace in the commonwealth. The commission shall make recommendations including, but not limited to, the following topics:

- (i) promoting education in schools on gun violence and the social context of community violence, including, but not limited to, poverty, race, socio-economic status, geographic location and gender;
- (ii) continuing research and education on gun trafficking and straw purchasing;
- (iii) building relationships between law enforcement and community members;
- (iv) improving services for homicide victims' families and families of perpetrators, including trauma and rehabilitation services;
- (v) improving post-prison planning and rehabilitation services; and
- (vi) reducing inequities in gun violence and prevention programming.

(b) The commission shall consist of 1 expert on public health and gun violence who will be appointed chair by the governor. The chair will make recommendations to the governor to appoint the following: 1 representative from the department of public health; 1 representative from the department of mental health; 1 representative from the office of the attorney general; 1 additional expert on public health; 1 expert on mental health; 1 representative from the department of correction; 1 representative from the department of public safety and security; 1 representative from the parole board; 2 victim advocates; 1 prisoner advocate; 1 mental health advocate; the house and senate chairs of the joint committee on public health; the house and senate chairs of the joint committee on mental health and substance abuse; and 4 public members from communities that are affected by gun violence.

(c) The departments of public health, public safety and security and correction, the Boston public health commission and local boards of health and any other relevant departments will be required to share relevant data, including data on crimes, accidents and suicides, stratified by race, ethnicity and gender, as needed by the commission, to better inform recommendations.

(d) The commission shall submit a report at the end of each legislative session to the governor and the general court, the joint committee on public health and the joint committee on mental health and substance abuse. The report shall include data on gun violence and prevention in the commonwealth, recommendations for designing, implementing and improving gun violence prevention programs and services, including those that promote cultural competency, and any proposals for statutory or regulatory changes to reduce gun violence and promote peace in the commonwealth. The final report shall be due by December 31, 2018."

After remarks, the amendment was adopted.

Mr. Richard T. Moore, Ms. Donoghue and Messrs. Tarr and Humason moved that the proposed new text be amended by striking sections 39, 40, 41, 42 and 43 in their entirety and inserting in place thereof the following 3 sections:-

"SECTION 39. Section 129D of said chapter 140, as so appearing, is hereby amended by striking the first paragraph in its entirety and inserting in place thereof the following paragraph:- 'Upon revocation, suspension or denial of an application for a firearm identification card pursuant to the conditions of section one hundred and twenty-nine B, or of any firearms license if said firearms identification card is not then in force or of any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender, to the licensing authority where they reside, all firearms, rifles, shotguns and machine guns and ammunition which they then possess unless an appeal is pending. Such person, or their legal representative, shall have the right, at any time up to one year after said delivery or surrender, to transfer such firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of such firearms, rifles, shotguns and machine guns and ammunition and upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within ten days deliver such firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and due care shall be observed by the licensing authority in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition; provided, however that the purchaser or transferee shall affirm in writing that said purchaser or transferee will not, in violation of section 129C of said chapter 140,

transfer said firearms, rifles, shotguns, or machine guns or ammunition to the former owner. The licensing authority shall, at the time of delivery or surrender, inform the person in writing of their ability, within one year after delivery or surrender, to transfer said firearms, rifles, shotguns, and machine guns and ammunition to any licensed dealer or other person legally permitted to purchase or take possession.'

SECTION 40. The third paragraph of said section 129D of said chapter 140, as so appearing, is hereby amended by inserting at the end thereof the following:- ' ; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to section 131Q of chapter 140 shall be sold at public auction pursuant to this section'.

SECTION 41. Said section 129D of chapter 140, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:- 'The licensing authority, at its discretion, may, if no lawful owner can reasonably be ascertained within 180 days of acquisition by the authority, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly licensed distributors or firearms dealers with the proceeds of the sale or transfer being remitted or credited to the municipality in which the licensing authority presides for the purchase of weapons, equipment or supplies, or for violence reduction or suicide prevention; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to section 131Q of chapter 140 shall be considered surplus, donated, abandoned or junk for the purposes of this section.'."

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended by striking the words "medical doctor" in line 236, and in lines 277 through 278, and in line 1077, in each instance, and inserting in place thereof the following word:- "physician"; in section 20, by striking clauses (iii) and (iv) in lines 339 to 351, inclusive, and inserting in place thereof the following:-

"(iii) has been committed to any hospital or institution for mental illness unless the person obtains, prior to purchase or possession, an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness and that in the physician's or psychologist's opinion the applicant is not disabled by such an illness in a manner that should prevent the applicant from possessing self-defense spray;

(iv) is or has been under treatment for or committed based upon a finding that the person is a person with an alcohol use disorder or a substance use disorder, or both unless a licensed physician or clinical psychologist deems such person to be cured of such condition, in which case, such person may purchase or possess self-defense spray after 5 years from the date of such confinement or treatment; provided, however, that prior to such purchase or possession of self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or clinical psychologist attesting that such physician or psychologist knows the person's history of treatment and that in that physician's or psychologist's opinion the applicant is deemed cured;"; and in section 28 and section 42, by striking the words "registered physician attesting that such physician is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's" in lines 461 - 462, and in lines 745 - 746, in each instance, and inserting place thereof the following:- "licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's".

After remarks, the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matters were considered forthwith:

Engrossed Bills

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Richard T. Moore) and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Margaret Poindexter, an employee of the Massachusetts Department of Transportation (see Senate, No. 2185, amended);

Prohibiting the possession, sale, trade and distribution of shark fins (see House, No. 4088, amended);

Establishing a sick leave bank for Lana A. Soricelli, an employee of the Executive Office for Administration and Finance (see House, No. 4202, amended); and

Relative to juvenile life sentences for first degree murder (see House, No. 4307, amended).

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to the reduction of gun violence (House, No. 4285),-- was further considered, the main question being on ordering the bill to a third reading.

Ms. Creem and Ms. Jehlen moved to amend the proposed new text in section 28, by striking in line 497 the words "could potentially create a risk to public safety if issued a card;" and inserting in place thereof the following words:- "may create a risk to the applicant or licensee, to another person in the household of the applicant or licensee or to public safety if issued a card;"; and in said section 28, by striking in lines 498 to 499 the words "could potentially create a risk to public safety if issued a card." and

inserting in place thereof the following words:- "may create a risk to the applicant or licensee, to another person in the household of the applicant or licensee or to public safety if issued a card".

The amendment was adopted.

Ms. Creem, Mr. Rosenberg and Ms. Jehlen moved to amend the proposed new text in section 68, by inserting after the words "criminal act" in line 1023, the following words:- ", suicide, suicide attempt, or accidental shooting"; by inserting after the words "prohibited person" in line 1030 the following:- ";

(x) the source from where the weapon was obtained; and

(xi) whether a fatality or injury occurred";

By inserting after the word "crimes" in line 1034 the words:- "suicides, suicide attempts, or accidental shootings"; by inserting after the words "assault weapons" in line 1035 the words ", including all of the categories of data contained in this section,"; and by inserting after the words "homeland security" in line 1036 the words ", the clerks of the House of Representatives and of the Senate".

After remarks, the amendment was adopted.

Messrs. DiDomenico, Wolf and Lewis, Ms. Jehlen, Messrs. Eldridge and Rush, Ms. Candaras, Ms. Forry, Ms. Spilka, Messrs. Petruccelli, McGee, Barrett, Michael O. Moore, Montigny, Donnelly and Keenan, Ms. Lovely, Ms. Creem and Mr. Pacheco moved to amend the proposed new text by adding the following section:

"SECTION XX. Chapter 69 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding after section 10 the following section:-

Section 1P. (a) As used in this section the term 'safe and supportive schools' shall mean schools that foster a safe, positive, healthy and inclusive whole-school learning environment that (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students' behavioral health, including social and emotional learning, bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental health, the education of foster care and homeless youth, the inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

(b) There shall be within the department of elementary and secondary education, a safe and supportive schools framework. The framework shall provide guidance and support to schools in order to assist with the creation of safe and supportive schools that improve the education outcomes for students. The framework shall include, but not be limited to, the following elements of school operations:

(i) leadership by school administrators to create structures within schools that promote collaboration between schools and behavioral health providers within the scope of confidentiality laws;

(ii) professional development for school personnel and behavioral health service providers that: clarifies roles and promotes collaboration within the scope of confidentiality laws; increases cultural competency; increases school personnel's knowledge of behavioral health symptoms, the impact of these symptoms on behavior and learning, and the availability of community resources; enhances school personnel's skills to help children form meaningful relationships, regulate their emotions, behave appropriately and succeed academically, and to work with parents who may have behavioral health needs; increases providers' skills to identify school problems and to provide consultation, classroom observation and support to school personnel, children and their families; and increases school personnel's and providers' knowledge of the impact of trauma on learning, relationships, physical well being and behavior, and of school-wide and individual approaches that help traumatized children succeed in school;

(iii) access to clinically, linguistically and culturally-appropriate behavioral health services, including prevention, early intervention, crisis intervention, screening, and treatment, especially for children transitioning to school from other placements, hospitalization, or homelessness, and children requiring behavioral health services pursuant to special education individual education plans;

(iv) academic and non-academic supports that build upon students' strengths, promote success in school, maximize time spent in the classroom and minimize suspensions, expulsions, and other removals for students with behavioral health challenges;

(v) policies and protocols for referrals to behavioral health services that minimize time out of class, safe and supportive transitions to school, consultation and support for school staff, confidential communication, appropriate reporting of child abuse and neglect under section 51A of chapter 119 of the General Laws, and discipline that focuses on reducing suspensions and expulsions and that balances accountability with an understanding of the child's behavioral health needs and trauma;

(vi) policies and protocols for a truancy prevention program certification by the department which may include mechanisms to provide technical assistance to school districts and to encourage each school district to adopt and implement a truancy prevention program which meets the certification criteria; and

(vii) collaboration with families.

(c) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall implement the safe and supportive schools framework as set forth in (e) in order to organize, integrate and sustain school and district-wide efforts to create safe and supportive school environments; and coordinate and align student support initiatives.

(d) The department shall implement a safe and supportive schools framework self-assessment tool. The self-assessment tool shall be organized according to the elements of the framework established pursuant to subsection (b), and shall be used by schools to:

(i) assess their capacity to create and sustain safe and supportive school environments for all students; (ii) identify areas where additional school-based action, efforts, guidance and support are needed in order to create and maintain safe and supportive school environments; and (iii) create action plans to address the areas of need identified by the assessment.

The board shall develop procedures for updating, improving or refining the safe and supportive schools framework and the safe

and supportive schools self-assessment tool, in consultation with the safe and supportive schools commission established under subsection (h).

(e) Each school shall develop and implement an action plan to create and maintain the safe and supportive schools framework. The action plan shall be developed by the school principal, in consultation with the school council established under section 59C of chapter 71, and shall be incorporated into the annual school improvement plan required under section 11; provided, however, that the district superintendent may approve an alternative process and schedule for developing school action plans. Nothing in this section shall be construed as limiting the ability of the school principal to appoint a team for the purpose of developing the school's action plan; provided, however, that such team shall include a broad representation of the school and local community and the principal shall make every effort to include teachers and other school personnel, parents, students and representatives from community-based agencies and providers.

School action plans shall be designed to address the areas of need identified through the use of the self-assessment tool described in subsection (b) and prioritized by the school and/or district, and shall include the following: (i) strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may include attendance and graduation rates, bullying incidences, number of student suspensions, expulsions and office referrals, truancy and tardiness rates, time spent on learning and other measures of school success; and (iv) a process and schedule for reviewing the plan annually and updating it at least once every 3 years. Implementation of items in said action plans that involve additional costs are subject to appropriation by the school committee.

(f) Each school district shall include in its 3 year district improvement plan required under section 11 a description of the steps the district will take to support the district-wide implementation of the safe and supportive schools framework and to facilitate regional coordination with behavioral health providers and other community organizations.

Each district shall publish on its website all school action plans created under subsection (c) for each school in the district.

(g) The department shall facilitate and oversee the statewide implementation of the safe and supportive schools framework. The department shall: (i) provide technical assistance to schools on using the self-assessment tool and developing school action plans, and to districts on coordinating with community service providers and developing strategies to facilitate the district-wide implementation of the framework; (ii) develop and disseminate model protocols and practices identified in the framework; (iii) establish a safe and supportive schools grant program, subject to appropriation, wherein grantees shall pilot and share with other schools an effective process for developing and implementing school action plans; (iv) update its website to include the framework, the self-assessment tool, best practices and other information related to the implementation of the framework; (v) host regional trainings for schools and districts, subject to appropriation; and (vi) provide administrative support to the safe and supportive schools commission established under subsection (e), subject to appropriation. Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support the functions established under this section; provided, however, that the department shall consider opportunities for education collaboratives or other regional service organizations to coordinate and disseminate training, technical assistance and information to school districts on the implementation of the framework.

(h) There shall be a safe and supportive schools commission to collaborate with and advise the department on the statewide implementation of the framework. The commission shall also support and provide feedback on the statewide implementation of the framework by the department. The commission shall consist of 18 members: 1 of whom shall be the commissioner of elementary and secondary education, or a designee, who shall serve as co-chair; 1 of whom shall be the secretary of education, or a designee; 1 of whom shall be a school superintendent appointed by the Massachusetts Association of School Superintendents; 1 of whom shall be a school committee member appointed by the Massachusetts Association of School Committees; 1 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School Administrators' Association and the Massachusetts Elementary School Principals Association; 1 of whom shall be teacher appointed jointly by the Massachusetts Teachers Association and the American Federation of Teachers Massachusetts; 1 of whom shall be a director of special education or director of student support services appointed by the Massachusetts Administrators for Special Education; 1 of whom shall be an executive director of an education collaborative appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a school psychologist appointed by the Massachusetts School Psychologists Association; 1 of whom shall be a school social worker appointed by the Massachusetts Chapter of the National Association of Social Workers; 1 of whom shall be a school adjustment counselor or guidance counselor appointed by the Massachusetts School Counselors Association; 1 of whom shall be a school nurse appointed by the Massachusetts School Nurse Organization; 1 of whom shall be an advocate with experience in education, behavioral health and the impact of trauma on learning appointed by Massachusetts Advocates for Children; 1 of whom shall be a representative of the Parent/Professional Advocacy League appointed by the Parent/Professional Advocacy League; 1 of whom shall be a student appointed by the Board of Elementary and Secondary Education Student Advisory Council; and 3 members to be appointed by the secretary of education: 1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework; and 1 of whom shall be a representative from a community-based organization that provides services as part of the children's behavioral health initiative and that provides mental health services in schools. The commission shall select a co-chair from among its appointees.

The commission shall: (i) investigate and make recommendations to the board on updating, improving and refining the framework and the self-assessment tool as appropriate; (ii) identify strategies for increasing schools' capacity to carry out the administrative functions identified by the behavioral health and public schools task force; (iii) propose steps for improving

schools' access to clinically, culturally and linguistically appropriate services; (iv) identify and recommend evidenced-based training programs and professional development for school staff on addressing students' behavioral health and creating safe and supportive learning environments; (v) identify federal funding sources that can be leveraged to support the statewide implementation of the framework; (vi) develop recommendations on best practices for collaboration with families, including families of children with behavioral health needs; and (vii) examine and recommend model approaches for integrating school action plans, required under subsection (e), with school improvement plans and for using the framework to organize other school and district improvement processes.

The commission may collect and review data and feedback from schools as they complete the self-assessment tool and develop school action plans, and may convene stakeholders to facilitate solutions to challenges as they arise during the implementation process. The commission may request from the department such information and assistance as may be necessary to complete its work.

The commission shall consult with and solicit input from various persons and groups, including, but not limited to: (i) the office of the child advocate; (ii) the department of early education and care; (iii) the department of children and families; (iv) the department of mental health; (v) the department of public health; (vi) the department of youth services; (vii) the department of developmental services; and (viii) any other parties or entities the commission deems appropriate.

The commission shall prepare and submit an annual progress report concerning the commission's activities with appropriate recommendations, together with drafts of legislation necessary to carry out such recommendations, if any, on or before December 31. The commission shall meet no less than four times annually. The commission shall submit such annual report to the governor and the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on mental health and substance abuse, the chairs of the joint committee on children, families and persons with disabilities, and the chairs of the house and senate committees on ways and means. The first 3 annual reports shall include recommendations regarding: (i) federal funding sources that can be leveraged to support the statewide implementation of the safe and supportive schools framework; (ii) training programs and professional development for school staff on creating safe and supportive learning environments; (iii) improving access to clinically, culturally and linguistically appropriate services; and (iv) addressing the administrative functions necessary to carry out the implementation of the safe and supportive schools framework.

SECTION XX. Subsections (b) through (f), inclusive, of section 1P of chapter 69 of the General Laws shall be effective as of June 30, 2016.

SECTION XX. The department of elementary and secondary education shall begin providing technical assistance required under subsection (g) of section 1P of chapter 69 of the General Laws on or before September 1, 2014.

SECTION XX. The safe and supportive schools commission established under subsection (h) of section 1P of chapter 69 of the General Laws shall conduct its first meeting not more than 90 days after the effective date of this act."

The amendment was *rejected*.

Ms. Chang-Diaz moved to amend the proposed new text in line 569, by inserting after the word "issuance" the following words:- "as well as space to specify the number of such firearms lost or stolen"; and in section 37, by striking out the last sentence and inserting in place thereof the following 2 sentences:-

"Failure to so report shall be a cause for suspension or permanent revocation of a person's firearm identification card or license to carry firearms, or both. Notwithstanding this paragraph or any general or specific law to the contrary, no person, who in good faith, reports a loss or theft under this paragraph for the first time shall be subject to suspension, revocation or be considered unsuitable under section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms; provided, however, that persons reporting loss or theft under this paragraph or under section 129B on a second or subsequent occasion may be subject to suspension, revocation or be considered unsuitable under section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms."

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the proposed new text by inserting in section 4, in line 32, by inserting after "commonwealth" the following:- "(iv) the effectiveness of section 128B of Chapter 140 of the general laws". After remarks, the amendment was adopted.

Messrs. Barrett and Eldridge, Ms. Candaras and Ms. Chang-Diaz moved to amend the proposed new text in section 20, by inserting in line 356, after the word "residency", the following words:- "or is an alien not residing under a visa pursuant to 8 U.S.C § 1101(a)(15)(U), or is an alien not residing under a visa pursuant to 8 U.S.C. §1154(a)(1)(B)(ii)(I), or is an alien not residing under a visa pursuant to 8 U.S.C. §1101(a)(15)(T)(i)(I)-(IV)".

After remarks, the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matters were considered forthwith:

PAPERS FROM THE HOUSE

Emergency Preambles Adopted

An engrossed Bill increasing the salaries of district attorneys (see House, No. 4294), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a

separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to county government financial management (see House, No. 4295), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Commonwealth to reimburse qualifying municipalities for federal military reservation students (see House, No. 4296), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the transfer of members of the Franklin Regional Council of Governments to the state employees' retirement system (see House, No. 4298, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 5 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to certain expenditures from the Community First Trust Fund (see House, No. 4299, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 6 to 0.

The bill was signed by the President and sent to the House for enactment.

Resolve Again Passed.

An engrossed Resolve providing for an investigation and study by a special commission relative to establishing a tax credit for medical devices of manufacturing companies (see House, No. 4297, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was again passed and signed by the Acting President (Mr. Richard T. Moore) and again laid before the Governor for his approbation.**

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be re-enacted and were signed by the Acting President (Mr. Richard T. Moore) and again laid before the Governor for his approbation, to wit:

Increasing the salaries of district attorneys (see House, No. 4294);

Relative to county government financial management (see House, No. 4295);

Authorizing the Commonwealth to reimburse qualifying municipalities for federal military reservation students (see House, No. 4296);

Authorizing the transfer of members of the Franklin Regional Council of Governments to the state employees' retirement system (see House, No. 4298, amended); and

Relative to certain expenditures from the Community First Trust Fund (see House, No. 4299, amended).

The House Bill providing for the preservation and improvement of land, parks and clean energy in the Commonwealth (House, No. 4150),— came from the House with the endorsement that the House had NON-concurred in the further Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate, No. 2263) and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Gobi of Spencer, Kulik of Worthington and Beaton of Shrewsbury have been appointed the committee on the part of the House.

On motion of Mr. Pacheco, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Joyce, Pacheco and Humason were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill relative to the reduction of gun violence (House, No. 4285),-- was further considered, the main question being on

ordering the bill to a third reading.

Mr. Tarr moved to amend the proposed new text by inserting after section 61, the following new section:

"SECTION .Chapter 131 is hereby amended by inserting at the end thereof the following new section:

Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if offender has three or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony.

Elements

A. Possession or receipt of a firearm or ammunition;

B. By a subject who falls within one of the following categories:

Felon - (Additionally, persons awaiting trial on felony charges are prohibited from receiving firearms.);

Drug user or addict - (Often shown where paraphernalia seized, subject tests positive for drugs and/or subject claims drugs were possessed for personal use.);

Alien - (Includes illegal aliens and aliens lawfully admitted under non-immigrant visas, i.e., those aliens not admitted for permanent residence. This provision does not prohibit aliens who lawfully possess a so-called "green card" from possessing guns or ammunition.);

Is subject to a domestic restraining order - (The order must prohibit contact with an intimate partner, or child of the subject, and must have been issued only after a hearing of which the subject was notified and at which the subject had an opportunity to participate. The order must also find the subject poses a threat to the physical safety of the intimate partner or child or must prohibit the use, threatened use or attempted use of physical force.);

Has a prior conviction for domestic assault - (Includes a prior conviction for any assault or threatened use of a deadly weapon against a present or former spouse or partner or child or guardian of any such person. The subject must have been entitled to a jury trial and been represented by counsel in the prior proceeding or be shown to have waived those rights.);

Fugitive from justice - (Fled any state to avoid being prosecuted or to avoid testifying in any criminal proceeding.); or

Dishonorably discharged from the military; and

C. The firearm or ammunition was transported across a state line at any time."

Pending the question on adoption of the amendment, Messrs. Michael O. Moore, Tarr, Rodrigues, Richard T. Moore and Hedlund, Ms. Donoghue, Mr. Pacheco, Ms. Flanagan, Messrs. Ross and Humason moved to amend the pending amendment (Tarr) by striking out the text and inserting in place thereof the following text:- "in section 28 by striking out the last paragraph."

After debate, the question on adoption of the further amendment (Michael O. Moore, et al) was determined by a call of the yeas and nays, at twenty-three minutes before six o'clock P.M., on motion of Mr. Michael O. Moore, as follows, to wit (yeas 28 -- nays 10) **[Yeas and Nays No. 411]:**

YEAS.

Barrett, Michael J.	Lewis, Jason M.
Brewer, Stephen M.	Lovely, Joan B.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Donnelly, Kenneth J.	Moore, Richard T.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	Pacheco, Marc R.
Finegold, Barry R.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rosenberg, Stanley C.
Hedlund, Robert L.	Ross, Richard J.

Humason, Donald F., Jr.	Rush, Michael F.
Joyce, Brian A.	Tarr, Bruce E.
Keenan, John F.	Timilty, James E.
Kennedy, Thomas P.	Welch, James T. – 28.

NAYS.

Brownsberger, William N.	Jehlen, Patricia D.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Petrucelli, Anthony
DiDomenico, Sal N.	Spilka, Karen E.
Eldridge, James B.	Wolf, Daniel A. – 10.

ABSENT OR NOT VOTING.

Forry, Linda Dorcena – **1.**

The yeas and nays having been completed at eighteen minutes before six o'clock P.M., the further amendment was adopted.

The pending amendment (Tarr), as amended (Michael O. Moore, et al), was then adopted.

Mr. Brewer moved to amend the proposed new text in section 10, by striking out, in line 114, word "secretary" and inserting in place thereof the following word:- "commissioner";

In section 12, by inserting after the word "health", in line 172, the following words:- ", in consultation with the executive office of public safety and security,";

In section 20, by striking out clause (iv), as inserted by amendment 25, and inserting in place thereof the following clause:-

"(iv) is or has been in recovery from or committed based upon a finding that the person is a person with an alcohol use disorder or a substance use disorder, or both unless a licensed physician or clinical psychologist deems such person to be in recovery from such condition, in which case, such person may purchase or possess self-defense spray after 5 years from the date of such confinement or recovery; provided, however, that prior to such purchase or possession of self-defense spray, the applicant shall submit an affidavit issued by a licensed physician or clinical psychologist attesting that such physician or psychologist knows the person's history of treatment and that in that physician's or psychologist's opinion the applicant is in recovery;" ;

In section 58, by striking out, in line 916, the word "age." and inserting in place thereof the following words:- "age; and";

In section 68, by inserting after the word "data", in line 1024, the following words:- ", when the data is readily available as determined by the chief of police,";

In section 93, in proposed section 10I, as inserted by amendment 45, by inserting after the words "prohibited person" each time it appears the following words:- ", as defined in section 131 of chapter 140";

In section 94, by striking out, in line 1253, the word "or superior";

In said section 94, by striking out, in line 1254, the word "either";

In said section 94, by inserting after the word "recognizance", in line 1254, the following words:- "with or";

In said section 94, by striking out, in line 1255, the words "or released on conditions of release set forth in subsection (2)";

In said section 94 by striking out, in lines 1269 to 1271, the words "(i) a recorded copy of the hearing; (ii) police reports; (iii) a copy of the complaint; (iv) the person's criminal offender record information; and (v) any other documents submitted as evidence during the hearing" and inserting in place thereof the following words:- "(i) police reports; (ii) a copy of the complaint; (iii) the person's criminal offender record information; and (iv) any other documents submitted as evidence during the hearing";

By inserting after section 98, the following section:-

"SECTION 98A. Notwithstanding any general or special law to the contrary, the chief of police in each city or town shall make

reasonable efforts to enter into a memorandum of understanding with the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice to analyze firearms trace data.";

In section 100, by striking out, in line 1346, the figure ", 10"; and

By inserting after section 101, the following section:-

"SECTION 101A. Section 10 shall take effect on July 1, 2015."

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, see Senate, No. 2284].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Moment of Silence.

At the request of the Chair (Mr. Richard T. Moore), the members, guests and staff stood in a moment of silence and reflection to the memory of former State Representative Brion M. Cangiamila.

Adjournment in Memory of former State Representative Brion M. Cangiamila.

Messrs. Tarr, Hedlund, Humason, Ross and Donnelly moved that when the Senate adjourns today, it do so in memory of former State Representative Brion M. Cangiamila, of Billerica, who passed away suddenly on July 5, 2014 at the age of 52. Mr.

Cangiamila was born in Medford to Vincent Cangiamila and the late June (Lewis) Cangiamila. Mr. Cangiamila graduated from Shawsheen Valley Technical High School in 1980 and was the alumni class president. He then attended Fisher Junior College and later studied at Bentley College of Business. Mr. Cangiamila was extremely involved in his community, serving as the Billerica State Representative from 1991 to 1993 and then as a Billerica Selectman from 1993 to 1999. In addition, Mr. Cangiamila was the former Chairman of the Billerica Personnel Board, former Chairman and Treasurer of the Billerica Arts Council, and former Chairman of the Howe Revitalization Committee. He was also the Secretary of the Billerica Historical Society, past President of the Billerica Sons of Italy, and a founding member of Kid's Konnection.

Mr. Cangiamila is survived by his father, Vincent Cangiamila of Billerica; his brother, Dana Cangiamila of Billerica; his sisters, Donna Chandler and Diana Saunders of Billerica; and his nieces and nephews, Nicholas, John, and Samantha Cangiamila, Cheri and Raymond Chandler, and Nicole, Laura, and Jessica Saunders; and his grandniece, Christina Hansford.

Accordingly, as a mark of respect to the memory of former State Representative Brion M. Cangiamila, at thirteen minutes before six o'clock P.M., on motion of Mr. McGee, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.
