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The Commonwealth of Massachusetts

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JOURNAL OF THE SENATE.



MONDAY, JULY 13, 2020

[69]

JOURNAL OF THE SENATE

Monday, July 13, 2020.

Met at twenty-nine minutes before twelve o'clock noon (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communication.

Communication from the Massachusetts Development Finance Agency (pursuant to Section 71 of Chapter 141 of the Acts of 2003) submitting its Emerging Technology Fund Quarterly Report for the period January 1, 2020 to March 31, 2020 (received July 11, 2020),-- was placed on file.

MassDev,-- ETF quarterly report. SD3003

Petitions.

Petitions were severally presented and referred as follows:

By Ms. Chandler, a petition (accompanied by bill) (subject to Joint Rule 12) of Harriette L. Chandler and Kimberly N. Ferguson for legislation to establish a sick leave bank for George Monfreda, an employee of the Worcester Recovery Center and Hospital;

George Monfreda,-- sick leave. SD3002

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio for legislation relative to designating certain portions of interstate highway route 495 as the Susannah North Martin Highway; and

Amesbury,-- Martin Highway. SD2999

By Mr. Eldridge, a petition (accompanied by bill) (subject to Joint Rule 12) of James B. Eldridge and Danillo A. Sena for legislation to establish the Massachusetts Works Progress Administration;

MA Works Progress Administration. SD3001

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Committees Discharged.

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration:

Joint Rules committee,-- study.

Of the Senate Order relative to authorizing the committee on Rules of the two branches, acting concurrently to make an investigation and study of a certain current Senate document relative to fresh food retail (Senate, No. 2808); and

Of the Senate Order relative to authorizing the committee on Rules of the two branches, acting concurrently to make an investigation and study of a certain current Senate document relative to passenger rail (Senate, No. 2809).

Id.

And recommending that the same severally be referred to the committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

*Recess.*

There being no objection, at twenty-eight minutes before twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at twenty-five minutes past twelve o'clock noon, the Senate reassembled, the President in the Chair.

Recess.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:

Resolutions (filed by Mr. Cyr) "congratulating Norman Clarke, Jr. on the occasion of his retirement as Chief of the Harwich Fire Department."

Norman Clarke, Jr.

*Orders of the Day.*

The Orders of the Day were considered as follows:

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was considered.

Police reform.

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

PAPER FROM THE HOUSE

*Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Dyana Gonzalez, an employee of the Division of Capital Asset Management and Maintenance (see House, No. 4665), 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.

Dyana Gonzalez,--  
sick leave.

**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 Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was further considered, the main question being on ordering the bill to a third reading.

Police reform.

After debate, Ms. Creem, Messrs. Eldridge and Welch, Ms. Moran, Messrs. Tarr and Collins and Ms. Gobi moved to amend the bill by inserting the text of Senate document numbered 2822, relative to juvenile justice data.

3

The amendment was *rejected*.

Messrs. Tarr, O'Connor and Tran moved that the bill be amended in section 55, by striking out, in line 1137, the word "of" and inserting in place thereof the following word: "by".

7

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 212]:**

YEAS.

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.   |
| Boncore, Joseph A.       | Keenan, John F.       |
| Brady, Michael D.        | Kennedy, Edward J.    |
| Brownsberger, William N. | Lesser, Eric P.       |
| Chandler, Harriette L.   | Lewis, Jason M.       |
| Chang-Diaz, Sonia        | Lovely, Joan B.       |
| Collins, Nick            | Montigny, Mark C.     |
| Comerford, Joanne M.     | Moore, Michael O.     |
| Creem, Cynthia Stone     | Moran, Susan L.       |
| Crighton, Brendan P.     | O'Connor, Patrick M.  |
| Cyr, Julian              | Pacheco, Marc R.      |
| DiDomenico, Sal N.       | Rausch, Rebecca L.    |
| DiZoglio, Diana          | Rodrigues, Michael J. |
| Eldridge, James B.       | Rush, Michael F.      |
| Fattman, Ryan C.         | Tarr, Bruce E.        |
| Feeney, Paul R.          | Timilty, Walter F.    |
| Finegold, Barry R.       | Tran, Dean A.         |
| Friedman, Cindy F.       | Velis, John C.        |
| Gobi, Anne M.            | Welch, James T. – 39. |
| Hinds, Adam G.           |                       |

NAYS – 0.

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

Messrs. Tarr, Brady, O'Connor and Tran moved that the bill be amended by inserting in line 10 after the word, "caucus" the following:- "1 member appointed by the minority leader of the senate from a list of not less than 5 nominees from the Massachusetts branches of the National Association for the Advancement of Colored People New England Area Conference and the Massachusetts Black and Latino Legislative Caucus and 1 member appointed by the minority leader of the house from a list of not less than 5 nominees from the Massachusetts branches of the National Association for the Advancement of Colored People New England Area Conference and the Massachusetts Black and Latino Legislative Caucus".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 213]:

YEAS.

- |                          |                      |
|--------------------------|----------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.  |
| Boncore, Joseph A.       | Keenan, John F.      |
| Brady, Michael D.        | Kennedy, Edward J.   |
| Brownsberger, William N. | Lesser, Eric P.      |
| Chandler, Harriette L.   | Lewis, Jason M.      |
| Chang-Diaz, Sonia        | Lovely, Joan B.      |
| Collins, Nick            | Montigny, Mark C.    |
| Comerford, Joanne M.     | Moore, Michael O.    |
| Creem, Cynthia Stone     | Moran, Susan L.      |
| Crighton, Brendan P.     | O'Connor, Patrick M. |
| Cyr, Julian              | Pacheco, Marc R.     |
| DiDomenico, Sal N.       | Rausch, Rebecca L.   |

9

DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.  
Hinds, Adam G.

Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 39.

**NAYS – 0.**

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

Messrs. Tarr, Welch and O'Connor moved that the bill be amended by inserting in line 137 after the word "chapter 22C" the following:- " , provided further, that any certified and accredited law enforcement school shall allow representatives appointed by the Massachusetts Commission against Discrimination to attend and observe the delivery of standardized training at the centers for recruit officer courses and in-service officers training". 12

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the bill be amended by inserting after section 40 the following section:- 13

"SECTION \_\_. Chapter 31 as appearing in the 2018 Official Edition is hereby amended by inserting after section 27 the following:

27A. In addition to the requirements prescribed in this chapter, any law enforcement department established pursuant to the general laws shall take into consideration as part of hiring and promotional decisions a candidate's information as is maintained within the database established pursuant to subsection (c) of section 223 of Chapter 6. This section shall apply to all law enforcement departments established pursuant to the general laws without regard to whether the department has been exempted from Chapter 31 of the general laws."

The amendment was *rejected*.

Messrs. Tarr, Brady, Welch, O'Connor and Montigny moved that the bill be amended by inserting in line 1141 after the word, "force" the following subsection:- "(d) All law enforcement departments established pursuant to the general laws shall develop and implement a policy and procedure for the reporting by law enforcement personnel, of abuse by other law enforcement personnel without fear of retaliation or actual retaliation." 14

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the bill be amended by inserting after section 48 the following section:- 15

"SECTION \_\_. Said Chapter 41 is hereby further amended by inserting the following at the end of section 98G:- '98H. All law enforcement departments established pursuant to the general laws shall designate at least one officer to be responsible for compliance with constitutional provisions, laws and regulations pertaining to equality and the protection of civil rights.'"

After remarks, the amendment was *rejected*.

Ms. Chandler, Ms. Friedman, Ms. Rausch, Mr. Eldridge, Ms. Jehlen, Messrs. Brady, Feeney and Welch, Ms. Moran, Ms. Creem and Mr. Montigny moved that the bill be amended by inserting the text of Senate document numbered 2823, relative to creating a commission on structural racism. 16

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past three o'clock P.M., on motion of Mr.

Brownsberger, as follows, to wit (yeas 40 – nays 0) [Yeas and Nays No. 214]:

YEAS.

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.   |
| Boncore, Joseph A.       | Keenan, John F.       |
| Brady, Michael D.        | Kennedy, Edward J.    |
| Brownsberger, William N. | Lesser, Eric P.       |
| Chandler, Harriette L.   | Lewis, Jason M.       |
| Chang-Diaz, Sonia        | Lovely, Joan B.       |
| Collins, Nick            | Montigny, Mark C.     |
| Comerford, Joanne M.     | Moore, Michael O.     |
| Creem, Cynthia Stone     | Moran, Susan L.       |
| Crichton, Brendan P.     | O'Connor, Patrick M.  |
| Cyr, Julian              | Pacheco, Marc R.      |
| DiDomenico, Sal N.       | Rausch, Rebecca L.    |
| DiZoglio, Diana          | Rodrigues, Michael J. |
| Eldridge, James B.       | Rush, Michael F.      |
| Fattman, Ryan C.         | Spilka, Karen E.      |
| Feeney, Paul R.          | Tarr, Bruce E.        |
| Finegold, Barry R.       | Timilty, Walter F.    |
| Friedman, Cindy F.       | Tran, Dean A.         |
| Gobi, Anne M.            | Velis, John C.        |
| Hinds, Adam G.           | Welch, James T. – 40. |

NAYS – 0.

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

*Recess.*

At twenty minutes past three o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at nine minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was further considered, the main question being on ordering the bill to a third reading.

Police reform.

Messrs. Tarr, Brady and O'Connor moved to amend the bill by inserting the following section:

19

“SECTION\_. Notwithstanding any general or special law to the contrary, subject to appropriation, the executive office of public safety and security shall establish and administer a grant program to provide incentive grants to law enforcement departments for the training, evaluation and counseling of members with regard to civil rights and equal protection under federal, state and local law, and abuse of force.”

The amendment was *rejected*.

Ms. Chandler, Ms. Rausch, Mr. Eldridge, Ms. Jehlen and Mr. Tarr moved to amend the bill in section 4, by striking out, in lines 127 and 128, the words “and (iv)” and inserting in place thereof the following words:- “(iv) practices and techniques related to responding to mass gatherings or protests that shall emphasize de-escalation and minimizing the

30

necessity for use of force; and (v)”; and

In section 15, by striking out, in line 460, the words “and (vii)” and inserting in place thereof the following words:- “(vii) best practices for responding to mass gatherings or protests that shall emphasize de-escalation and minimizing the necessity for use of force; and (viii)”.

After remarks, the amendment was adopted.

Ms. Lovely and Ms. Creem moved to amend the bill in section 38, in proposed subsection (k) of section 6B of chapter 29 of the General Laws, by adding the following sentence:- “The department of state police, the office of law enforcement of the executive office of energy and environmental affairs or the Massachusetts bay transportation authority police force shall file a report on any approval of an application for military grade controlled property or related funds or acquisition by transfer of military grade controlled property from a federal agency, describing the type of military grade controlled property acquired and the amount of funds expended on the acquisition, with the clerks of the senate and house of representatives, the joint committee on ways and means and the joint committee on public safety and homeland security.”; and

33

In section 39, in proposed subsection (a) of section 6B1/2 of chapter 29 of the General Laws, by adding the following sentence:- “The regional law enforcement council or multi-jurisdictional law enforcement agency shall file a report on any approval of an application for military grade controlled property or related funds or the acquisition by transfer of military grade controlled property from a federal agency, describing the type of military grade controlled property acquired and the amount of funds expended on the acquisition, with the clerks of the senate and house of representatives, the joint committee on ways and means and the joint committee on public safety and homeland security.”; and

In said section 39, in proposed subsection (c) of section 6B1/2 of chapter 29 of the General Laws, by adding the following sentence:- “The sheriff’s department shall file a report on any approval of an application for military grade controlled property or related funds or the acquisition by transfer of military grade controlled property from a federal agency, describing the type of military grade controlled property acquired and the amount of funds expended on the acquisition, with the clerks of the senate and house of representatives, the joint committee on ways and means and the joint committee on public safety and homeland security.”.

After remarks, the amendment was adopted.

Ms. Lovely and Mr. Welch moved to amend the bill by inserting after the word “security”, in line 1372, the following words:- “, and the joint committee on the judiciary”.

34

After remarks, the amendment was adopted.

Ms. Friedman, Ms. Rausch, Messrs. Cyr, Eldridge, Feeney and Welch and Ms. Creem moved to amend the bill by adding the following section:-

36

“SECTION XX. Chapter 29 of the General Laws is hereby amended by inserting after section 2CCCCC the following section:-

Section 2DDDDD. (a) There shall be a Criminal Justice and Community Support Trust Fund. The fund shall be administered by the commissioner of mental health, in consultation with the executive office of public safety and security. The fund shall consist of amounts credited to the fund from: (i) any appropriations, grants, gifts or other monies authorized by the general court or other parties and specifically designated to be credited to the fund; and (ii) any income derived from the investment of amounts credited to the fund. All amounts credited to the fund shall be used without further appropriation for the purpose of making grants to county and community-based jail diversion programs and community policing and behavioral health training initiatives. The grants shall be for: (1) the support of jail diversion programs for persons suffering from a mental illness or substance use disorder; (2) the development and provision of training for state, county and



municipal law enforcement in evidence-based or evidence-informed mental health and substance use crisis response or alternative emergency response; (3) the creation of patient-focused ongoing community services for individuals who are frequent users of emergency departments and suffer from serious and persistent mental illness or substance use disorder; or (4) the planning and implementation of restoration centers to divert individuals suffering from mental illness or substance use disorder who interact with law enforcement or the court system during a pre-arrest investigation or the pre-adjudication process from lock-up facilities and hospital emergency departments to appropriate treatment. Any unexpended balance in the fund at the close of a fiscal year shall remain in the fund and shall be available for expenditure in subsequent fiscal years.

Annually, not later than March 1, the commissioner of mental health shall issue a report to the clerks of the senate and house of representatives, the joint committee on mental health, substance use and recovery, the joint committee on public safety and homeland security and the senate and house committees on ways and means on the fund activities including, but not limited to, amounts credited to the fund, amounts expended from the fund and any unexpended balance.”

After remarks, the amendment was adopted.

Messrs. Barrett and Eldridge and Ms. Rausch moved to amend the bill in section 38, by inserting after the word “respectively”, in line 751, the following words:- “; provided, however, that such approval shall not be granted until the approving agency holds a public hearing and solicits written public comment on the application”; and

38

In section 39, by inserting after the word “security”, in line 779, the following words:- “; provided, however, that such approval shall not be granted until the secretary holds a public hearing and solicits written public comment on the application”.

After remarks, the amendment was adopted.

Mr. Boncore, Ms. Rausch, Messrs. Cyr, Eldridge and Welch, Ms. Moran, Messrs. Crighton, Tarr and Collins, Ms. Chang-Diaz and Mr. Montigny moved to amend the bill by inserting in place at the end thereof the following section:-

39

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

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

(b) Members shall serve terms of 3 years and until their successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term. Nominations for members shall be solicited by the appointing authorities between August 1 and September 16 of each year through an open application process using a uniform application that is widely distributed throughout the state.

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

(d) The commission shall be a resource to the commonwealth on issues affecting Latinx communities. It shall be a primary function of the commission to make policy



recommendations, based on research and analysis, to the general court and executive agencies that: (i) ensure Latinxs equitably benefit from and have access to government services in the same manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have benefited citizens of the commonwealth to the exclusion of Latinxs; and (iii) promote solutions that address the impact of discrimination against Latinxs. In furtherance of that responsibility, the commission shall:

(1) promote research and be a clearinghouse and source of information on issues pertaining to Latinxs in the commonwealth;

(2) inform the public and leaders of business, education, human services, health care, judiciary, state and local governments and the communications media of the unique cultural, social, ethnic, economic and educational issues affecting Latinxs in the commonwealth;

(3) foster unity among Latinx communities and organizations in the commonwealth by promoting cooperation and sharing of information and encouraging collaboration and joint activities;

(4) serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to Latinxs in the commonwealth;

(5) identify and recommend qualified Latinxs for appointive positions at all levels of government, including boards and commissions, as the commission considers necessary and appropriate;

(6) assess programs and practices in all state agencies as they affect Latinxs, as the commission considers necessary and appropriate;

(7) advise executive agencies and the general court on the potential effect on Latinxs of proposed legislation, as the commission considers necessary and appropriate; and

(8) generally undertake activities designed to enable the commonwealth to realize the full benefit of the skills, talents and cultural heritage of Latinxs in the commonwealth.

(e) The commission shall annually, on or before June 2, report the results of its findings and activities of the preceding year and its recommendations to the governor and to the clerks of the senate and house of representatives.

(f) The powers of the commission shall include, but not be limited, to:

(1) to use the voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed, including provision of meeting places and refreshments;

(2) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it considers necessary;

(3) to direct a staff to perform its duties;

(4) to establish and maintain offices that it considers necessary, subject to appropriation;

(5) to enact by-laws for its own governance that are not inconsistent with any general or special law; and

(6) to recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsection (d).

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

(h) The commission may accept and solicit funds, including any gifts, donations, grants, or bequests, or any federal funds for any of the purposes of this section. These funds shall be deposited in a separate account with the state treasurer, be received by the treasurer on behalf of the commonwealth, and be expended by the commission in accordance with law.

(i) The commission staff shall consist of an executive director, employees, and volunteers who assist the commission in effecting its statutory duties. The commission

shall appoint the executive director for a term of 3 years.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 40 – nays 0) [**Yeas and Nays No. 215**]:

**YEAS.**

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Kennedy, Edward J.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	Lovely, Joan B.
Collins, Nick	Montigny, Mark C.
Comerford, Joanne M.	Moore, Michael O.
Creem, Cynthia Stone	Moran, Susan L.
Crichton, Brendan P.	O'Connor, Patrick M.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
DiZoglio, Diana	Rodrigues, Michael J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Spilka, Karen E.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Tran, Dean A.
Gobi, Anne M.	Velis, John C.
Hinds, Adam G.	Welch, James T. – 40.

**NAYS – 0.**

The yeas and nays having been completed at twenty-two minutes past four o'clock P.M., the amendment was adopted.

Ms. Friedman, Messrs. Eldridge, Velis and Welch and Ms. Moran moved that the bill be amended in section 16, by inserting after the word “Incorporated”, in line 475, the following words:- “; a sheriff appointed by the Massachusetts' Sheriffs Association who has experience developing and implementing a crisis intervention facility model”.

40

After remarks, the amendment was adopted.

Ms. Friedman in the Chair, Messrs. Moore, Velis and Welch, Ms. Moran and Mr. O'Connor moved that the bill be amended in section 6, by striking the first paragraph of new section 221, and replacing it with the following paragraph:-

47

“Section 221. There shall be an independent police officer standards and accreditation committee within the executive office of public safety and security consisting of: 14 members appointed by the governor, 1 of whom shall be nominated by the colonel of the state police, 1 of whom shall be nominated by the commissioner of the Massachusetts bay transportation authority police force, 1 of whom shall be nominated by the commissioner of police of the city of Boston, 1 of whom shall be a police chief of a police department serving a community of less than 50,000 people, nominated by the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be a chief of police of a police department outside of the Boston metropolitan area, serving a community of more than 150,000 people, nominated by the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be a law enforcement officer nominated by the Massachusetts Association of Minority Law Enforcement Officers, Inc., 1 of whom shall be a law enforcement officer below the rank of sergeant, 1 of whom shall be nominated by

the American Civil Liberties Union of Massachusetts, Inc., 1 of whom shall be nominated by the Boston branch of the National Association for the Advancement of Colored People New England Area Conference, 1 of whom shall be nominated by a Massachusetts branch, other than the Boston branch, of the National Association for the Advancement of Colored People New England Area Conference, 1 of whom shall be nominated by the Lawyers for Civil Rights, Inc., 1 of whom shall be a retired judge and 2 of whom may be selected from a list of not less than 5 non-law enforcement individuals nominated by the Massachusetts Black and Latino Legislative Caucus; and 1 member appointed by the attorney general who is affiliated with an organization that advocates on behalf of communities that have disproportionately high instances of police interaction; provided, however, that non-law enforcement members shall have experience with or expertise in law enforcement practice and training, criminal law, civil rights law, the criminal justice system or social science fields related to race or bias. Appointments to the police officer standards and accreditation committee shall be for terms of 3 years and until their successors are appointed. Vacancies in the membership of the committee shall be filled by the original appointing authority for the balance of the unexpired term. Members of the police officer standards and accreditation committee shall be compensated for work performed for the police officer standards and accreditation committee at such rate as the secretary of administration and finance shall determine, and shall be reimbursed for their expenses necessarily incurred in the performance of their duties.”.

After remarks, the amendment was *rejected*.

Mr. Rush, Ms. Gobi and Messrs. Brady, Velis, Fattman, Tran, Welch and Timilty moved that the bill be amended by striking out section 18 in its entirety and inserting in place thereof the following section:-

48

“SECTION 18. Said section 3 of said chapter 22C, as so appearing, is hereby further amended by striking the section its entirety and inserting in place thereof the following:- Section 3. The colonel, or the superintendent as provided in this section, shall be the executive and administrative head of the department and shall have charge of the administration and organization thereof. The colonel or superintendent may, subject to the approval of the governor and the secretary of public safety and except as otherwise provided, organize such divisions, bureaus, sections and units as the colonel or superintendent deems necessary for the effective management of the department and, when the colonel or superintendent deems necessary for such purpose, may abolish or consolidate such divisions, bureaus, sections or units. The colonel or superintendent shall, except as otherwise provided, direct all inspections and investigations. The colonel or superintendent shall make all necessary rules and regulations for the government of the department, for reports to be made by employees of the department and for the performance of the duties of said employees. The colonel or superintendent shall make an annual report to the governor and the secretary of public safety. The colonel shall be appointed by the governor, upon the recommendation of the secretary of public safety and security, and shall be a person employed by the department in a rank above lieutenant immediately prior to such appointment; should the governor appoint a civilian superintendent from outside the department, that superintendent shall be superior to the colonel and take on all the powers and responsibilities afforded to the colonel under this chapter. The superintendent shall be qualified by training and experience to direct the work of the department; provided that, at the time of appointment, the superintendent shall have not less than 20 years of full-time experience as a sworn law enforcement officer and not less than 10 years of full-time experience in a senior administrative or supervisory position in a police force or a military body with law enforcement responsibilities; and further provided that such outside police force or military body be of a similar size and scope as the department. Such appointment shall qualify the colonel to exercise all powers granted to a uniformed member under this

chapter. The superintendent and colonel shall serve at the pleasure of the governor and shall devote his or her full time during business hours to the duties of the office.”

The amendment was *rejected*.

Mr. Rush and Ms. Moran moved that the bill be amended by inserting after section 73 the following section:-

49

“Section XX. Notwithstanding any general or special law to the contrary, notwithstanding the provisions of MGL chapter 32B or the provisions of 805 CMR 9.01 (3), the effective date of group insurance commission health coverage for Police Officers shall begin on the first day of employment.”

The amendment was *rejected*.

Ms. Gobi moved that the bill be amended by striking out section 52 in its entirety.

53

After remarks, the amendment was *rejected*.

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

*Matters Taken Out of the Notice Section.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill changing the availability of supplemental reserves in the town of Winchendon (Senate, No. 2681) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Winchendon,-- reserves.

**Sent to the House for concurrence.**

The Senate Bill authorizing employees of the city of Fall River to purchase creditable service for military service time (Senate, No. 2257) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time.

Fall River,-- credible service.

Pending the question on passing the bill to be engrossed, Mr. Rodrigues moved to amend the bill by striking out, in line 7, the words “not more than 180 days after the effective date of this act” and inserting in place thereof the following words:- “from the effective date of this act until 180 days after the employee receives notice of this act pursuant to subsection (b)”;

and inserting in place thereof the following words:- “, in collaboration with the division of human resources of the city of Fall River,”.

**The amendment was adopted.**

**The bill (Senate, No. 2257, amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was further considered, the main question being on ordering the bill to a third reading.

Police reform.

Messrs. Tarr, Pacheco and O'Connor moved that the bill be amended by inserting line 349 after the word, “misdemeanor” the following:- “punishable by a sentence of six months or more in a state prison or house of correction”;

55

and inserting in line 1226 after the word, “misdemeanor” the following:- “, punishable by a sentence of six months or more in a state prison or house of correction”.

After remarks, the amendment was *rejected*.

Mr. Eldridge moved to amend the bill by inserting the text of Senate document numbered 2824, relative to constable reform. 60

The amendment was *rejected*.

Mr. Tran moved that the bill be amended by inserting the following section:- 66

“SECTION\_. Chapter 6 Section 116G (b) (iv) as inserted by this act shall apply to the members of the general court.”

The amendment was *rejected*.

Ms. DiZoglio and Mr. Eldridge moved that the bill be amended by striking out, in line 1117, the words “police office standards and accreditation committee”, and inserting in place thereof the following words:- “municipal police training committee”; and 69

By striking out, in lines 1120 and 1122, the words “police officer standards and accreditation committee” and inserting in place thereof the following words:- “municipal police training committee”.

The amendment was *rejected*.

Ms. Chang-Diaz and Mr. Eldridge moved that the bill be amended in line 957 by striking out the following words:- “who receive a warning or citation or who are arrested, including the”; 71

In line 957 by inserting in place thereof the following:- “including the perceived”; and

In line 1006 to 1009 by striking the words “The secretary shall, in consultation with the attorney general, mandate implicit bias training using best practices for a law enforcement agency if the annual analysis and report suggest that a law enforcement agency appears to have engaged in racial or other profiling” and inserting in place thereof the following:- “The secretary shall, in consultation with the attorney general, mandate an appropriate intervention or corrective action if the annual analysis and report suggest that a law enforcement agency appears to have engaged in racial or other profiling”.

After remarks, the amendment was adopted.

Messrs. Tran and Tarr moved that the bill be amended by inserting the following section:- 72

“SECTION\_ Notwithstanding any general or special law to the contrary and subject to appropriation the executive office of public safety and security shall implement a grant program to assist municipalities with the costs of the implementation of this act.”

The amendment was *rejected*.

Messrs. Rush, Moore and Welch moved that the bill be amended by inserting after section 73 the following section:- 73

“SECTION XX. Section 34 of chapter 40 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: Unless a member of a regional lockup facility, a city or town containing more than five thousand inhabitants shall, and any other town may, maintain a secure and convenient lockup to which a person arrested without a warrant may be committed; and a magistrate may commit, for further examination, a prisoner charged with a bailable offense and not recognizing, to the lockup in the town where the prisoner was arrested, to any regional lockup of which that town is a member, or to the lockup in a town where the court is held, if he considers it safe and commodious and that expense may be saved thereby.

Section 35 of chapter 40, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph: Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility, the sheriff of that county shall be responsible for the appointment of the administrator of the lock-up facility who shall serve for such term as the sheriff shall determine and who can be terminated from such position with or without cause at the sole discretion of the sheriff. Written notice of same shall be filed with the

county commissioners and the clerk of each member city or town. The administrator of the regional lock-up facility shall have all the powers and duties of a keeper of the lock-up.

Section 36B of chapter 40, as so appearing, is hereby amended by inserting after the word ‘town’, in the first sentence, the following word:- , regional,

Section 36B of chapter 40 , as so appearing, is hereby further amended by inserting after the word ‘department’, in the first sentence the following words:- , county sheriff,

Notwithstanding sections 34 to 37A of chapter 40 of the General Laws, or any other general or special law to the contrary, the sheriff of Suffolk county may establish a regional lockup facility within the site of the Suffolk county jail and house of correction, or elsewhere within the county of Suffolk, which shall be used only for the detention of persons arrested upon probable cause or warrant or a person arrested under a civil process. There shall be space made available for interviews and space assigned for use by the clerk/magistrates for bail hearings. The regional lockup facility established under this section shall have the same function and power as a lockup established under section 34 of chapter 40. A city or town of Suffolk county, a state or federal law enforcement agency may, subject to the discretion of the sheriff of Suffolk County, become a member of the county regional lockup system by executing, with the consent of the appropriate governing body, a written agreement with the sheriff of Suffolk County.

The agreement shall be filed with the corresponding city and town clerk and the secretary of state and shall set forth the details of the agreement as to the transportation and booking of prisoners. Member police officers who are transporting a prisoner to a regional lockup facility shall, during transport, have the full authority and jurisdiction of a police officer through any city, town, or county. Member city or town police departments do not have to comply with section 36C of chapter 40. The requirements and duties set forth in sections 36A to 36, inclusive, of chapter 40 shall pertain to the regional lockup facility and the sheriff's office, except that all training provided for in section 36C of chapter 40 shall be completed within 1 year of the establishment of the facility. The regional lockup administrator and sheriffs of the Suffolk county regional lockup facility shall have the same authority, jurisdiction and duty to detain, book, hold and transport a pre-arraignment prisoner or any other prisoner to or from the regional lockup as required under chapter 40. The sheriff of Suffolk County shall be afforded all the protections of section 9 of chapter 258, as though the sheriff held office under the constitution within the meaning of this statute.”

The amendment was *rejected*.

Messrs. Tarr and Tran, Ms. Gobi, Messrs. Brady, Velis, Fattman, Moore, Pacheco, Welch, O'Connor and Timilty moved that the bill be amended in section 18 by striking in line 621 the words “1 year” and replacing therewith- “45 days”;

77

In line 634, by striking the word “not”; and

In line 635, by striking the following: “, provided, however, that such an order may be appealed as provided section 43”.

The amendment was *rejected*.

Mr. Rush moved that the bill be amended by inserting after section 73 the following section:-

78

“SECTION XX. Said chapter 6 of the General Laws is hereby amended by inserting after section 116G, as so appearing, the following section:-

Section 116H. In addition to any benefits received pursuant to section 108L of chapter, any certified law enforcement officer shall also be eligible to receive each fiscal year a bonus for exceeding the minimum training requirements established by the municipal police training committee.

The benefits made available under this section shall be conditioned on the successful completion of eligible coursework as determined by the municipal police training



committee established in section 116. The committee shall establish by regulation the curriculum of courses that may result in a bonus under this section, and may either offer such courses itself, or establish a process by which independent educational institutions can be accredited for providing such courses. Such courses shall be in addition to, and not in place of, course work that is a part of an officer's annual in-service training requirement as determined by the committee. The courses may cover such subjects as the committee deems appropriate, but shall at a minimum cover:

- (i) Proficiency in a foreign language relevant to police work in the jurisdiction in which the individual licensed officer is employed;
- (ii) Advanced first aid;
- (iii) Advanced domestic violence and sexual violence training;
- (iv) Advanced de-escalation techniques;
- (v) Narcotics training;
- (vi) Advanced training in bias-free policing.

Annual base salary increases shall be awarded in the following increments per level of achievement:

Level 1 \$1,000

Level 2 \$2,500

Level 3 \$5,000

The committee shall determine what courses or sequences of courses will result in attainment of the foregoing levels. A bonus shall be paid by the public employer, payable in biweekly increments, for the remainder of the fiscal year upon completion of the coursework required for such bonus, and shall be paid for coursework completed during that fiscal year, but shall not roll forward to subsequent fiscal years. Officers may not receive credit in a fiscal year for courses completed in a prior fiscal year, and may not receive an incentive for re-taking a course the officer has previously taken. Officers may not receive payment for more than one level in one fiscal year.

The committee shall establish quality guidelines, including, but not limited to, standards and review processes, for courses that are eligible for bonuses under this section. The committee shall certify annually that any independent educational institution offering the courses meets or exceeds the academic standards established by the above-mentioned guidelines. The committee shall consult with the department of higher education as part of its certification process for any independent educational institution. The committee shall establish a program of qualifying course offerings not later than May 1 of each calendar year.

This section shall apply to law enforcement officers employed by the Commonwealth and to any law enforcement officer employed by any city or town that accepts the provisions of this section. For purposes of this section, 'law enforcement officer' shall be defined according to section 220."

The amendment was *rejected*.

Messrs. O'Connor and Welch moved that the bill be amended by adding the following:-

79

"SECTION XX. There shall be a special commission to expand training in the area of the history of slavery, lynching, racist legal institutions and racism in the United States. The commission shall explore and determine additional departments and agencies within the Commonwealth and municipalities that would benefit from training criteria set forth in subsection (b) of section 116G of chapter 6 of the General Laws as amended by Section 4 of this Act. The commission shall consist of: 3 persons appointed by the governor from a list of not less than 5 nominees provided by the Massachusetts branches of the National Association for the Advancement of Colored People New England Area Conference; 2 persons appointed by the president of the senate; 2 persons appointed by the speaker of the



house of representatives; 1 person appointed by the senate minority leader; and 1 person appointed by the house minority leader. Members of the commission shall be residents of the commonwealth who have experience or knowledge of state and local departments and agencies, the extent and nature of their impact on their constituencies, and the extent to which employees of said departments and agencies would benefit from training in the area of the history of slavery, lynching, racist legal institutions and racism in the United States. The commission shall report and file its findings and recommendations, including any legislation, with the clerks of the senate and house of representatives and the joint committee on the judiciary not later than July 31, 2021.”

The amendment was *rejected*.

Messrs. Keenan and Montigny moved that the bill be amended in section 40, line 843, by inserting after the word “evaluation” the following words:- “, include appropriate performance metrics that allow for evaluation and measurement of outcomes”; and in line 862, by inserting after the word “given” the following words:- “, evaluation of the outcomes produced by the funded programs”.

82

After remarks, the amendment was *rejected*.

Ms. Jehlen, Mr. Eldridge, Ms. Rausch, Mr. Welch and Ms. Creem moved that the bill be amended by striking out section 50 and inserting in place thereof the following section:-

80

“SECTION 50. Subsection (b) of section 37P of said chapter 71, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A chief of police, at the request of the superintendent and subject to appropriation, shall assign at least 1 school resource officer to serve the city, town, commonwealth charter school, regional school district or county agricultural school. In the case of a regional school district, commonwealth charter school or county agriculture school, the chief of police of the city or town in which the school is located shall, at the request of the superintendent, assign the school resource officer who may be the same officer for all schools in the city or town, subject to annual approval by public vote of the relevant school committee. Annually, not later than August 1, the superintendent shall report to the department of elementary and secondary education and publicly present to the relevant school committee: (i) the cost to the school district of assigning a school resource officer; (ii) a description of the proposed budget for mental, social or emotional health support personnel for the school; and (iii) the number of school-based arrests, citations and court referrals made in the previous year disaggregated as required by the department of elementary and secondary education.”.

After remarks, the amendment was adopted.

Messrs. Keenan, Feeney, Brady, Tarr and Montigny moved that the bill be amended in section 6, line 323, by inserting after the figure “225.”, the following:- “If the police officer standards and accreditation committee, by its vote, finds that a law enforcement officer did not engage in misconduct or other inappropriate action, then the officer shall be entitled to reimbursement for wages and the cost of benefits not paid during the period of the investigation and hearing, and the expense incurred in defending against the complaint. Any officer seeking such reimbursement shall file with his appointing authority a written application therefor within thirty days after final disposition of the complaint. The appointing authority shall, within thirty days after receipt of such application, pay such reimbursement from the same source as that from which the salary of the person seeking the reimbursement is paid, but only upon receipt of satisfactory proof that such expenses were actually incurred, and the costs of benefits and wages were not paid.”.

83

After remarks, the amendment was *rejected*.

Messrs. Keenan, Brady, Welch and Montigny moved that the bill be amended in section 14, in line 445, by striking out the figures “(vi) and (vii)” and inserting in place

87

thereof the following figures:- “(v), (vi) and (vii)”;

In line 446, by striking out the figure “3” and inserting in place thereof the following figure:- “4”; and

In line 446, by striking out the figure “(vi)” and inserting in place thereof the following words:- “(v) support police departments in implementing improved behavioral health responses through responsive policies and procedures and partnerships with community behavioral health providers, including but not limited to partnerships with community-based behavioral health organizations for emergency mental health crisis intervention; (vi)”.

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 55, by striking subsection 2(f) in its entirety and inserting in place thereof the following:-

89

“(f) A law enforcement officer shall not order the discharge or discharge tear gas or any other chemical weapon, order the discharge or discharge rubber pellets from a propulsion device or order the release or release a dog to control or influence a person’s behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm. If a law enforcement officer orders or utilizes tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer’s appointing agency shall file a report with the police office standards and accreditation committee detailing all measures that were taken in advance of the event to reduce the probability of disorder and all measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog. The police officer standards and accreditation committee shall review the report and may make any additional investigation. After such review and investigation the police officer standards and accreditation committee shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation efforts were adequate and whether the order or use of such tear gas or other chemical weapon, rubber pellets or dog was justified.”.

After remarks, the amendment was adopted.

Mr. Keenan moved that the bill be amended in section 52, line 991, by inserting after the word “purposes” the following words:- “, and shall not be available to a law enforcement officer when checking the registration status of a motor vehicle preceding or during a stop, when checking the driver’s license status or identification of an individual during a stop”.

91

The amendment was *rejected*.

Messrs. Keenan and Timilty moved that the bill be amended in section 6, line 165, by striking out the figure “13” and inserting in place thereof the following figure:- “15”; and in line 170, by inserting after the word “Incorporated”, the following:- “, 1 of whom shall be a chief of police of a police department other than the City of Boston police department inside the Boston metropolitan area”; and

94

In line 178, by inserting after the word “judge”, the following:- “, 1 of whom shall be nominated by the Association of Independent Colleges and Universities of Massachusetts with experience or expertise in law enforcement practice and training”.

The amendment was *rejected*.

Messrs. Keenan, Brady, Welch, Tarr and Montigny moved that the bill be amended in section 6, in line 286, by inserting after the word “committee” the following:- “and simultaneously to the officer against whom the complaint is filed”; and

96

In line 288, by inserting after the word “authority” the following:- “and simultaneously to the officer against whom the complaint is filed”.

After remarks, the amendment was adopted.

Messrs. Keenan and Brady moved that the bill be amended in section 18, by inserting at the end thereof the following words:-

97

“The secretary of public safety and security committee shall conduct a comprehensive background investigation of the person recommended, which at a minimum shall require verification against the National Decertification Index, as defined in section 220, and the database maintained by the police officer standards and accreditation committee, as described in subsection (c) of section 223.”.

The amendment was *rejected*.

Messrs. Keenan and Montigny moved that the bill be amended in section 39, by striking out subsection (c) in its entirety and inserting in place thereof the following:-

98

“(c) A sheriff’s department shall not apply for military grade controlled property or related funds or for acquisition by transfer of military grade controlled property from a federal agency.”.

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 24, line 569, by inserting after the figure “11” the following:- “is appointed as a police officer in a municipal police department, the Massachusetts bay transportation police force, the executive office of environmental affairs, and the University of Massachusetts, or becomes an employee as defined in section 1 of chapter 32”.

100

After remarks, the amendment was adopted.

Mr. Keenan moved that the bill be amended by striking section 33 in its entirety and inserting in place thereof the following:-

101

“SECTION 33. Said chapter 22C is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section:-

Section 26. (a) The colonel may promote uniformed members of the state police who are deemed eligible for promotion by the colonel to the title of noncommissioned officer, lieutenant or captain. A promotion shall be based on the uniformed member’s total promotional score, which shall be based on the sum of scores earned on a competitive promotional examination calculated pursuant to subsection (b), longevity calculated pursuant to subsection (e), education credits calculated pursuant to subsection (g), performance credits and debits calculated pursuant to section (h).

(b) For a uniformed member who is not a veteran, the uniformed member’s competitive promotional examination score shall be based on the number of points awarded to the uniformed member for correct answers on such examination divided by the total number of possible points to be earned on the examination, multiplied by 75. For a uniformed member who is a veteran, the uniformed member’s competitive promotional examination score shall be based on the number of points awarded to the member for correct answers on such examination divided by the total number of possible points to be earned on the examination, multiplied by 100, plus 2, multiplied by 0.75.

(c) A uniformed member shall not be eligible for promotion unless the uniformed member was awarded not less than 70 per cent of the total number of possible points to be earned on the competitive promotional examination.

(d) Promotional examinations shall be open to a uniformed member who is a: (i) noncommissioned officer who has completed not less than 5 years of service as a uniformed member immediately before the final date for the filing of applications for such examination and who has completed, in the immediately preceding year, 1 full year of service in the next lower rank or title; (ii) lieutenant who has completed at least 1 year of service in the next lower rank or title immediately before the final date for the filing of applications for such examination and who has completed not less than 8 years of service as a uniformed member prior to the final date for filing applications for such examination;

or (iii) a captain who has completed at least 1 year of service in the next lower rank or title immediately before the final date for the filing of applications for such examination and who has completed not less than 12 years of service as a uniformed member prior to the final date for filing applications for such examination.

(e) (1) A noncommissioned officer shall be granted 1 longevity point for each full month of service since appointment to the department, up to a maximum of 120 months, computed as of the final date for the filing of applications for such promotion. The member’s longevity score shall be the total longevity points granted divided by 120, multiplied by 25.

(2) A lieutenant shall be granted 1 longevity point for each full month of service since appointment to the department, up to a maximum of 180 months, computed as of the final date for the filing of applications for such promotion. The member’s longevity score shall be the total longevity points granted divided by 180, multiplied by 25.

(3) A captain shall be granted 1 longevity point for each full month of service since appointment to the department, up to a maximum of 240 months, computed as of the final date for the filing of applications for such promotion. The member’s longevity score shall be the total longevity points granted divided by 240, multiplied by 25.

(f) a uniformed member shall be granted 2 education points for an associate degree, 4 education points for a bachelor degree, and 6 education points for a post graduate degree.

(g) a uniformed member shall be granted 2 performance points for each service commendation awarded, and shall have deducted 2 performance points for each warning, reprimand, or punishment relating to use of earned sick time or other service performance.

(h) Prior to making any promotions in accordance with this section, the colonel shall publish and distribute in the orders of the department for each title in the department a list of the members who are eligible for promotion to each such title in the order in which each member shall be considered for such promotion; provided, however, that such order shall be based upon the final determination by the colonel in accordance with subsections (b) and (e). Each eligible list for promotion shall be used by the colonel to fill vacancies for a period of 2 years from the initial date of publication; provided, however, that, if a new eligible list has not been established after such 2-year period, each eligible list shall continue to be used by the colonel for promotions until a new eligible list is established. A promotion to a vacancy occurring in any title for which an examination is conducted in accordance with this section shall be made from the first 3 members on such list who are eligible for the promotion and who are willing to accept such promotion.”

The amendment was *rejected*.

Ms. Comerford and Mr. Eldridge moved that the bill be amended in section 16, by inserting after the word “Inc.,” in line 480, the following words:- “1 member appointed by the Center for Public Representation;”

102

After remarks, the amendment was adopted.

Messrs. Keenan, Timilty and Tarr moved that the bill be amended in section 55, by inserting after the word “known”, in line 1086, the following words:- “preceding and”.

103

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past six o'clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 216]:**

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.

Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.

Chang-Diaz, Sonia  
 Collins, Nick  
 Comerford, Joanne M.  
 Creem, Cynthia Stone  
 Crighton, Brendan P.  
 Cyr, Julian  
 DiDomenico, Sal N.  
 DiZoglio, Diana  
 Eldridge, James B.  
 Fattman, Ryan C.  
 Feeney, Paul R.  
 Finegold, Barry R.  
 Friedman, Cindy F.  
 Gobi, Anne M.  
 Hinds, Adam G.

Lovely, Joan B.  
 Montigny, Mark C.  
 Moore, Michael O.  
 Moran, Susan L.  
 O'Connor, Patrick M.  
 Pacheco, Marc R.  
 Rausch, Rebecca L.  
 Rodrigues, Michael J.  
 Rush, Michael F.  
 Tarr, Bruce E.  
 Timilty, Walter F.  
 Tran, Dean A.  
 Velis, John C.  
 Welch, James T. – 39.

**NAYS – 0.**

The yeas and nays having been completed at twenty-one minutes past six o'clock P.M., the amendment was adopted.

Messrs. Feeney, Eldridge and Timilty moved that the bill be amended by inserting the following section:-

104

“SECTION XX. Section 23 of chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting at the end thereof the following subparagraph:-

(8) It shall be the policy of the PRIM board to use minority investment managers to manage PRIT Fund assets, encompassing all asset classes, and to increase the racial, ethnic, and gender diversity of PRIT Fund investments to the greatest extent feasible, consistent with sound investment policy. The PRIM board and the executive director shall take affirmative steps to remove any barriers to the full participation of minority investment managers in investment opportunities. Such affirmative steps shall include, but not be limited to, consideration of whether current investment policy discourages the use of minority investment managers through quantitative or qualitative restrictions, including, but not limited to, number of years track record and minimum assets under management. It shall be the goal of the PRIM board that not less than 20% of investment managers be minorities, females, and persons with disabilities. It shall further be the goal of the PRIM board to utilize businesses owned by minorities, females, and persons with disabilities for not less than 20% of total contracts awarded pursuant to section 23B.

Annually, not later than January fifteenth of each year, the PRIM board shall file with the house and senate committee on ways and means and with the joint committee on public service a report detailing its progress toward implementing the policies and goals outlined above. Such report shall include documentation related to all minority investment managers considered for investment, including documentation, where applicable, of the reasons for declining any such investment.”

The amendment was *rejected*.

Messrs. Keenan, Brady and Montigny moved that the bill be amended in section 55, in line 1094, by inserting after the word “harm” the following words:- “to the law enforcement officer or person”; in line 1098, by inserting after the words “harm to” the following words:- “ the law enforcement officer or”; in line 1106, by inserting after the words “harm to” the following words:- “ the law enforcement officer or”; and in line 1133, by striking out the words “their direct” and inserting in place thereof the words “an appropriate”.

105

The amendment was *rejected*.

Mr. O'Connor and Ms. Moran moved that the bill be amended by adding the following:- 106

“SECTION XX. Section 91 of Chapter 32 of the General Laws, as so appearing, is hereby amended by inserting at the end the following new subsection:-

(g) Notwithstanding the provisions of this section, any pensioner defined under this section that is categorized in group 4 of the state retirement system shall be eligible for hire to the position of (1) executive director of the municipal police training committee and (2) executive director of the police officer standards and accreditation committee; provided that terms of service in either position shall not exceed a three year appointment unless specifically authorized by the Governor.”

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the bill be amended by striking lines 944-951 inclusive and inserting in place thereof the following:- “The police officer standard and accreditation committee as established in this act shall conduct a study on the process of the collection and dissemination of the from any issued Massachusetts Uniform Citation including but not limited to the following: (i) identifying characteristics of the individuals who receive a warning or citation or who are arrested, including the age, race and sex of the individual; (ii) the traffic infraction; (iii) the date and time of the offense and the municipality in which the offense was committed; (iv) whether a search was initiated as a result of the stop; and (v) whether the stop resulted in a warning, citation or arrest. The study will further review any and all appropriate instruments that can be used by the enforcement officers to record the statistical data required in this subsection. The study will also detail the possible financial impacts to the state, as well as local communities on the development of the database of data as well as the technology needed to collect said data and the training involved for both. This study shall be initiated no later than 60 days from the enactment of this act. Said study along with any recommendation shall be submitted to the clerks of the house and senate by no later then one year following the passage of the act.” 110

The amendment was *rejected*.

Mr. O'Connor moved that the bill be amended in section 39 by adding at the end the following:- “(d) Notwithstanding the provisions of this section, if it can be established that public disclosure of the purchase of military grade controlled property by way of legislative approval and public hearing would defeat the purpose of such purchase and jeopardize public safety, such disclosure shall not be required.” 115

The amendment was *rejected*.

Messrs. Tarr, Brady and O'Connor moved that the bill be amended by inserting the following section:- 117

“SECTION\_ Notwithstanding any general or special laws to the contrary the secretary of administration and finance shall conduct a comprehensive study and analysis as to the financial impacts of the provisions of this act on the commonwealth and the municipalities in the commonwealth. They shall hold no less than 3 public hearings, in diverse geographic locations.

Said study and shall be submitted to the clerks of the house and senate not later than 18 months from the passage of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 12 – nays 27) **[Yeas and Nays No. 217]:**

**YEAS.**

Brady, Michael D.

Pacheco, Marc R.



Collins, Nick  
DiZoglio, Diana  
Fattman, Ryan C.  
Moore, Michael O.  
O'Connor, Patrick M.

Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 12.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.

Gobi, Anne M.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F. – 27.

The yeas and nays having been completed at fourteen minutes before seven o'clock P.M., the amendment was *rejected*.

The President in the Chair, Ms. Gobi, Mr. Brady, Ms. Lovely, Messrs. Fattman, Timilty, Pacheco, Moore, Tran, Feeney, Velis and Welch moved that the bill be amended by striking out section 63 in its entirety.

123

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before seven o'clock P.M., on motion of Ms. Gobi, as follows, to wit (yeas 16 – nays 24) [**Yeas and Nays No. 218**]:

**YEAS.**

Brady, Michael D.  
DiZoglio, Diana  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Gobi, Anne M.  
Kennedy, Edward J.  
Lovely, Joan B.

Moore, Michael O.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 16.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.

Friedman, Cindy F.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Lesser, Eric P.  
Lewis, Jason M.  
Montigny, Mark C.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.



Eldridge, James B.

Spilka, Karen E. – 24.

The yeas and nays having been completed at two minutes past seven o'clock P.M., the amendment was *rejected*.

Ms. Friedman, Ms. Rausch and Messrs. Cyr and Eldridge moved that the bill be amended in section 66, by deleting subsections (a) and (b) and replacing with the following subsections:-

128

“(a) The community policing and behavioral health advisory council, established in subsection (e) of section 25 of chapter 19 of the General Laws, shall study and make recommendations for creating a crisis response and continuity of care system that delivers alternative emergency services and programs across the commonwealth that reflect specific regional, racial, ethnic, and sexual orientation needs and differences in delivering such services. The study shall include, but not be limited to: (i) comprehensive review and evaluation of existing crisis intervention, alternative emergency response, and jail diversion models, services and programs within the commonwealth at the state, county and municipal level and models used effectively in other jurisdictions; (ii) a method for evaluating the effectiveness of existing crisis intervention, alternative emergency response, and jail diversion models, services, and programs in diverting individuals from the criminal justice system and emergency departments to appropriate care; (iii) recommendations for expanding effective crisis intervention and jail diversion models, services, and programs identified in clause (ii) across the commonwealth; (iv) identification of crisis response training programs and protocols for law enforcement officers and 911 telecommunicators that reflect best practices, and a plan for standardizing systems and aligning such programs and protocols across the commonwealth; (v) identification of outcome measurements and data collection procedures to be used to evaluate the effectiveness of the crisis response system and its components; and (vi) an analysis of the Substance Abuse and Mental Health Services Administration national guidelines for behavioral health crisis care, including regional crisis call centers and mobile crisis teams; and (vii) an estimate of the additional costs or cost savings of implementing the council’s recommendations under this section and possible sources of funding for delivering the crisis response and continuity of care system at the state, county and municipal level. In developing recommendations for a crisis response and jail diversion system, the council, where appropriate, shall prioritize non-police community-based programs.

(b) The council may commission an independent research or academic organization with expertise in clinical social work, criminal justice, behavioral health jail diversion modalities, and accessible analysis of quantitative and qualitative data and communication of study results, to conduct the study. The council shall facilitate the collection of data needed to complete the study pursuant to memoranda of understanding with the department of mental health, the executive office of public safety and security, the executive office of health and human services and relevant social service agencies.”; and

By adding after the word “including” , in line 1474, the words:- “, but not limited to,”. After remarks, the amendment was adopted.

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

*Order.*

Mr. Cyr offered the following order, to wit:

*Ordered*, That notwithstanding an order previously adopted to the contrary, the amendment deadline previously adopted setting a deadline of 11:00 A.M. on Thursday, July 9, 2020 for redrafts and further amendments to the Ways and Means bill to reform

police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800), is re-opened for approximately 10 minutes to the hour of 7:20 P.M. on July 13, 2020.

**There being no objection, the order was considered forthwith and adopted.**

*Suspension of Senate Rule 38A.*

Mr. Brownsberger moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.

Suspension of Senate Rule 38A.

The question on suspension of Senate Rule 38A was determined by a call of the yeas and nays, at thirteen minutes past seven o'clock P.M., to wit (yeas 36 – nays 4) [**Yeas and Nays No. 219**]:

**YEAS.**

- |                          |                              |
|--------------------------|------------------------------|
| Barrett, Michael J.      | Hinds, Adam G.               |
| Boncore, Joseph A.       | Jehlen, Patricia D.          |
| Brady, Michael D.        | Keenan, John F.              |
| Brownsberger, William N. | Kennedy, Edward J.           |
| Chandler, Harriette L.   | Lesser, Eric P.              |
| Chang-Diaz, Sonia        | Lewis, Jason M.              |
| Collins, Nick            | Lovely, Joan B.              |
| Comerford, Joanne M.     | Montigny, Mark C.            |
| Creem, Cynthia Stone     | Moore, Michael O.            |
| Crichton, Brendan P.     | Moran, Susan L.              |
| Cyr, Julian              | Pacheco, Marc R.             |
| DiDomenico, Sal N.       | Rausch, Rebecca L.           |
| DiZoglio, Diana          | Rodrigues, Michael J.        |
| Eldridge, James B.       | Rush, Michael F.             |
| Feeney, Paul R.          | Spilka, Karen E.             |
| Finegold, Barry R.       | Timilty, Walter F.           |
| Friedman, Cindy F.       | Velis, John C.               |
| Gobi, Anne M.            | Welch, James T. – <b>36.</b> |

**NAYS.**

- |                      |                           |
|----------------------|---------------------------|
| Fattman, Ryan C.     | Tarr, Bruce E.            |
| O'Connor, Patrick M. | Tran, Dean A. – <b>4.</b> |

**The yeas and nays having been completed at twenty minutes past seven o'clock P.M., Senate Rule 38A was suspended.**

PAPER FROM THE HOUSE.

The House Bill making appropriations for the fiscal year 2020 to authorize certain COVID-19 spending in anticipation of federal reimbursement (House, No. 4808, amended),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2799, *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4853.

COVID-19 supplemental appropriations.

**The rules were suspended, on motion of Ms. Comerford, and after remarks, the further House amendment was adopted, in concurrence.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

Police reform.

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was further considered, the main question being on ordering the bill to a third reading.

130

Ms. Friedman, Mr. Feeney, Ms. Rausch and Mr. Eldridge moved to amend the bill by adding, in line 205, after the word “misconduct”, the following words:- “for purposes of certifying, renewing, revoking or otherwise modifying the certification of a law enforcement officer. An investigation by the police officer standards and accreditation committee shall not preclude an investigation by the officer's appointing authority.”.

After remarks, the amendment was adopted.

133

Messrs. Barrett and Eldridge, Ms. Rausch, Ms. Jehlen and Ms. Creem moved that the bill be amended in section 63, line 1248, by inserting after the word “by”:- “state and”; and

In said section 63, line 1268, by inserting after the word “woman.”:- “In order to establish clear limitations on the use of physical force by correctional officers, the commission shall collect and analyze data on the use of force against inmates. In furtherance thereof, the department of correction and sheriffs shall provide the commission access to any and all reports written pursuant to 103 CMR 505:13 (1) and (2) or successor provisions.

The commission shall ascertain whether the information provided is uniform, standardized, and reasonably complete and, if not, shall recommend policies to increase uniformity, standardization, and completeness.”.

After remarks, the amendment was adopted.

135

Messrs. Feeney and Eldridge moved that the bill be amended by striking out, in section 55, in lines 1142 and 1143, the words, “The police officer standards and accreditation committee established in section 221 of Chapter 6” and inserting in place thereof the following words:- “The municipal police training committee established in Chapter 6, section 116 of the M.G.L's”.

The amendment was *rejected*.

142

Messrs. Cyr and Eldridge, Ms. DiZoglio and Mr. Welch moved that the bill be amended by adding the following:- in line 857 of section 40 by inserting after “dropout prevention,” the following: “or participation in a nonprofit employment social enterprise”;

In line 479 of section 16 by inserting after “Massachusetts Association for Mental Health, Inc.,” the following: one member appointed by the New England Streetworker Network”;

In line 1247 of section 63 by inserting after “juvenile detention officers,” the following: “including integration with community-based reentry partners that serve emerging adults”;

In line 1267 of section 63 by inserting after “Families for Justice as Healing Inc.,” the following: “one member with streetwork experience appointed by the UTEC Training Center for Excellence”; and

In line 1468 of section 66 by inserting after “community-based response,” the following: “and street outreach interventions”.

The amendment was *rejected*.

144

Messrs. Tarr, O'Connor and Montigny moved that the bill be amended in line 1148 by adding the following section: “Anyone who knowingly makes a false statement to the police officer standards and accreditation committee during the course of an investigation or hearing shall be found guilty of a crime punishable by no more than 6 months prison or in the house of corrections or \$1000 fine or both.”.

After remarks, the amendment was *rejected*.

18

Mr. Boncore in the Chair, Messrs. Tarr and O'Connor moved that the bill be amended in section 55, by striking out, in lines 1142 and 1143, the words “police officer standards

and accreditation committee established in section 221 of chapter 6” and inserting in place thereof the following words:- “municipal police training committee”.

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved that the bill be amended by inserting the following section:-

20

“SECTION\_. Notwithstanding any general or special law to the contrary, any entity in the commonwealth offering an accreditation process for law enforcement departments shall include in that process the evaluation and certification of policies regarding the protection of civil rights and equal protection under the United States Constitution and the Massachusetts Constitution and all federal, state, and local laws and regulations, and abuse of force.”

The amendment was *rejected*.

Mr. Eldridge, Ms. Rausch, Mr. Barrett, Ms. Jehlen, Mr. Montigny and Ms. Creem moved that the bill be amended in section 6, by inserting after the word “for” in line 381, the following words:- “appointment as a correction officer under chapter 125 or for”.

27

After remarks, the amendment was adopted.

Messrs. Tarr, Velis, Welch and O'Connor and Ms. DiZoglio moved that the bill be amended by inserting in section 4 after clause (iv) the following new clause:- “(v) practice and techniques for law enforcement officers for stress management and mental health”.

35

After remarks, the amendment was adopted.

Ms. Friedman, Ms. Rausch, Messrs. Cyr, Eldridge, Welch and Montigny and Ms. Creem moved that the bill be amended in section 4, by inserting after the word “procedures”, in line 118, the following words:- “, including developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children,”; and

41

By inserting after section 70 the following section:-

“SECTION 70A. Notwithstanding any general or special law to the contrary, not later than October 1, 2020, the municipal police training commission shall issue guidance on developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or physical condition.”

After remarks, the amendment was adopted.

Mr. Eldridge moved that the bill be amended in section 6, by striking out, in line 165, the figure “13” and inserting in place thereof the following figure:- “14”; and in said section 6, by inserting after the word “ Inc.”, in line 178, the following words:- “, 1 of whom shall have been personally involved in or impacted by the criminal justice system”.

42

After remarks, the amendment was adopted.

Ms. Chandler, Ms. Rausch, Messrs. Cyr, Eldridge and Lesser, Ms. Jehlen, Mr. Welch, Ms. Comerford and Messrs. Tarr, Feeney, Barrett, Montigny and Timilty moved that the bill be amended in section 57, in proposed subsection (c) of section 22 of chapter 265 of the General Laws, by striking out the first sentence and inserting in place thereof the following sentence:- “A law enforcement officer who has sexual intercourse with a person in the custody or control of the law enforcement officer shall be found to be in violation of subsection (b); provided, however, that for the purposes of this subsection, ‘sexual intercourse’ shall include vaginal, oral or anal intercourse, including fellatio, cunnilingus or other intrusion of a part of a person’s body or an object into the genital or anal opening of another person’s body.”.

28

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes past eight o'clock P.M., on motion of Mr. Tarr, as

follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 220]:

**YEAS.**

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.   |
| Boncore, Joseph A.       | Keenan, John F.       |
| Brady, Michael D.        | Kennedy, Edward J.    |
| Brownsberger, William N. | Lesser, Eric P.       |
| Chandler, Harriette L.   | Lewis, Jason M.       |
| Chang-Diaz, Sonia        | Lovely, Joan B.       |
| Collins, Nick            | Montigny, Mark C.     |
| Comerford, Joanne M.     | Moore, Michael O.     |
| Creem, Cynthia Stone     | Moran, Susan L.       |
| Crighton, Brendan P.     | O'Connor, Patrick M.  |
| Cyr, Julian              | Pacheco, Marc R.      |
| DiDomenico, Sal N.       | Rausch, Rebecca L.    |
| DiZoglio, Diana          | Rodrigues, Michael J. |
| Eldridge, James B.       | Rush, Michael F.      |
| Fattman, Ryan C.         | Tarr, Bruce E.        |
| Feeney, Paul R.          | Timilty, Walter F.    |
| Finegold, Barry R.       | Tran, Dean A.         |
| Friedman, Cindy F.       | Velis, John C.        |
| Gobi, Anne M.            | Welch, James T. – 39. |
| Hinds, Adam G.           |                       |

**NAYS – 0.**

The yeas and nays having been completed at twenty minutes past eight o'clock P.M., the amendment was adopted.

Messrs. Tarr, O'Connor and Tran moved that the bill be amended the bill in section 6, in proposed section 223 of chapter 6 of the General Laws, by adding the following subsection:-

43

“(i) Not less than twice annually, the police officer standards and accreditation committee and the municipal police training committee shall meet to review and make recommendations to improve current police officer training standards.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 – nays 0) [Yeas and Nays No. 221]:

**YEAS.**

- |                          |                       |
|--------------------------|-----------------------|
| Barrett, Michael J.      | Jehlen, Patricia D.   |
| Boncore, Joseph A.       | Keenan, John F.       |
| Brady, Michael D.        | Kennedy, Edward J.    |
| Brownsberger, William N. | Lesser, Eric P.       |
| Chandler, Harriette L.   | Lewis, Jason M.       |
| Chang-Diaz, Sonia        | Lovely, Joan B.       |
| Collins, Nick            | Montigny, Mark C.     |
| Comerford, Joanne M.     | Moore, Michael O.     |
| Creem, Cynthia Stone     | Moran, Susan L.       |
| Crighton, Brendan P.     | O'Connor, Patrick M.  |
| Cyr, Julian              | Pacheco, Marc R.      |
| DiDomenico, Sal N.       | Rausch, Rebecca L.    |
| DiZoglio, Diana          | Rodrigues, Michael J. |
| Eldridge, James B.       | Rush, Michael F.      |

Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.  
Hinds, Adam G.

Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 39.

**NAYS – 0.**

The yeas and nays having been completed at twenty-nine minutes past eight o'clock P.M., the amendment was adopted.

Messrs. Moore, Brady, Pacheco, Tarr, O'Connor and Timilty moved that the bill be amended in section 6, in proposed subsection (c) of section 225 of chapter 6 of the General Laws, by adding the following 2 sentences:- “The regulations shall provide that if an officer notifies the committee that they wish to suspend decertification proceedings pending the final resolution of a complaint or grievance, including any appeal or arbitration, the committee shall suspend decertification proceedings; provided, however, that the suspension shall not exceed 1 year. Upon notification by the officer that the officer wishes to proceed and resolve the decertification proceedings or 1 year after the suspension was initiated, whichever occurs first, the committee shall resume proceedings and shall consider the results of any proceedings related to the complaint or grievance that occurred during the suspension but shall not be bound by the findings made in those proceedings.”;

54

In said section 6, by striking out, in line 364, the words “a preponderance of the evidence” and inserting in place thereof the following words:- “clear and convincing evidence”; and

In said section 6, by striking out, in lines 367 to 370, inclusive, the words “or suspend a certification or issue a reprimand, upon a finding by a preponderance of the evidence, by majority vote of the hearing panel, of any grounds set forth in subsection (b) and there is good cause to revoke or suspend a certification or to issue a reprimand” and inserting in place thereof the following words:- “a certification, upon a finding by clear and convincing evidence, by a majority vote of the hearing panel, of any grounds set forth in subsection (b) and there is good cause to revoke the certification. The police officer standards and accreditation committee may suspend a certification or issue a reprimand, upon a finding by a preponderance of the evidence, by majority vote of the hearing panel, of any grounds set forth in subsection (b) and there is good cause to suspend the certification or to issue a reprimand”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before nine o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 38 – nays 1) [**Yeas and Nays No. 222**]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.

Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Pacheco, Marc R.



DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.  
Hinds, Adam G.

Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 38.

**NAYS.**

Creem, Cynthia Stone – 1.

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

*Recess.*

At eight minutes before nine o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at a half past nine o'clock P.M., the Senate reassembled, the President in the Chair.

Recess.

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was further considered, the main question being on ordering the bill to a third reading.

Police reform.

Mr. Boncore, Ms. Creem, Ms. Rausch, Messrs. Eldridge and Crighton, Ms. Chang-Diaz and Mr. Cyr moved to amend the bill in section 10, in proposed section 11I of chapter 12 of the General Laws, by striking out subsection (c) and inserting in place thereof the following subsection:-

1

“(c) In an action for monetary damages under this section, qualified immunity shall not apply unless no reasonable defendant could have had reason to believe that such conduct would violate the law at the time the conduct occurred. Nothing in this section shall affect the provisions of chapter 258 with respect to indemnification of public employees.”.

After debate, Mr. Tarr arose to raise a point of parliamentary inquiry which, being stated, was that the redrafted amendment was beyond the scope of the original amendment before the Senate.

The point of parliamentary inquiry was well taken; and the amendment was laid aside.

Mr. Rodrigues moved to amend the bill in section 1, by striking out, in lines 5 and 6, the words “Massachusetts branches of the National Association for the Advancement of Colored People New England Area Conference” and inserting in place thereof the following words:- “New England Area Conference of the National Association for the Advancement of Colored People”;

121

In section 6, by striking out, in lines 174 to 177, inclusive, the words “1 of whom shall be nominated by the Boston branch of the National Association for the Advancement of Colored People New England Area Conference, 1 of whom shall be nominated by a Massachusetts branch, other than the Boston branch, of the National Association for the Advancement of Colored People New England Area Conference” and inserting in place thereof the following words:- “2 of whom shall be nominated by the New England Area Conference of the National Association for the Advancement of Colored People”;

In section 10, in proposed section 11I of chapter 12 of the General Laws, by striking



out subsection (c) and inserting in place thereof the following subsection:-

“(c) In an action for monetary damages under this section, qualified immunity shall not apply unless no reasonable defendant could have had reason to believe that such conduct would violate the law at the time the conduct occurred. Nothing in this section shall affect the provisions of chapter 258 with respect to indemnification of public employees.”;

In section 24, by inserting after the word “system,” in line 571, the following words:- “in 1 sum, or in installments, upon such terms and conditions as the board may prescribe”;

In said section 24, by inserting after the word “cadet,” in line 574, the following words: “, together with buyback interest”;

In section 55, by inserting after the word “harm,” in line 1094, the following words:- “to a person”;

In said section 55, by striking out, in line 1133, the words “their direct” and inserting in place thereof the following words:- “an appropriate”;

In section 63, by striking out, in lines 1262 and 1263, the words “city of Boston branch of the National Association for the Advancement of Colored People New England Area Conference” and inserting in place thereof the following words:- “New England Area Conference of the National Association for the Advancement of Colored People”;

In section 64, by striking out, in line 1309 and 1310, the words “Boston branch of the National Association for the Advancement of Colored People New England Area Conference” and inserting in place thereof the following words:- “New England Area Conference of the National Association for the Advancement of Colored People”; and

In section 66, by striking out, in lines 1475 and 1476, the words “Boston branch of the National Association for the Advancement of Colored People New England Area Conference” and inserting in place thereof the following words:- “president of the New England Area Conference of the National Association for the Advancement of Colored People”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past eleven o'clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 26 – nays 14) **[Yeas and Nays No. 223]**:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
Eldridge, James B.  
Finegold, Barry R.  
Friedman, Cindy F.

Hinds, Adam G.  
Jehlen, Patricia D.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E. – **26.**

**NAYS.**

Brady, Michael D.  
Collins, Nick  
DiZoglio, Diana  
Fattman, Ryan C.  
Feeney, Paul R.

O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.

**UNCORRECTED PROOF.**

Gobi, Anne M.  
Keenan, John F.

Velis, John C.  
Welch, James T. – 14.

The yeas and nays having been completed at thirteen minutes past eleven o'clock P.M., the amendment was adopted.

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

*Suspension of Senate Rule 38A½.*

Ms. Rausch moved that Senate Rule 38A½ be suspended to allow the Senate to meet beyond the hour of 12:00 A.M.

Suspension of Senate Rule 38A ½ .

The question on suspension of Senate Rule 38A½ was determined by a call of the yeas and nays, at sixteen minutes past eleven o'clock P.M., to wit (yeas 34 – nays 6) [**Yeas and Nays No. 224**]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.

Gobi, Anne M.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Moore, Michael O.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Timilty, Walter F.  
Velis, John C.  
Welch, James T. – 34.

**NAYS.**

Fattman, Ryan C.  
Montigny, Mark C.  
O'Connor, Patrick M.

Pacheco, Marc R.  
Tarr, Bruce E.  
Tran, Dean A. – 6.

**The yeas and nays having been completed at twenty-three minutes past eleven o'clock P.M., Senate Rule 38A½ was suspended.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color (Senate, No. 2800),-- was further considered, the main question being on ordering the bill to a third reading.

Police reform.

Messrs. Velis and Moore, Ms. Gobi and Messrs. Brady, Timilty, Pacheco, Tarr, Tran, Feeney, Keenan and Fattman moved to amend the bill by striking section 10, lines 409-433, and replacing it with the following, "A special Commission will be convened to study

137

qualified immunity, consisting of four (4) legal experts in the relevant areas of qualified immunity and its impacts on public safety appointed by the Governor, the Senate President, the Speaker of the House, the Chairs of the Ways and Means Committees, and the House and Senate minority leaders, and a designee of the Supreme Judicial Court is hereby created. The Commission shall study the issues of qualified immunity and file a report with the House and Senate Clerks within 180 days from its creation.”

The question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes past twelve o'clock midnight, on motion of Mr. Velis, as follows, to wit (yeas 16 – nays 24) [**Yeas and Nays No. 225**]:

**YEAS.**

Brady, Michael D.  
Collins, Nick  
DiZoglio, Diana  
Fattman, Ryan C.  
Feeney, Paul R.  
Gobi, Anne M.  
Keenan, John F.  
Moore, Michael O.

O'Connor, Patrick M.  
Pacheco, Marc R.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – **16.**

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
Eldridge, James B.  
Finegold, Barry R.

Friedman, Cindy F.  
Hinds, Adam G.  
Jehlen, Patricia D.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Spilka, Karen E. – **24.**

The yeas and nays having been completed at twenty-six minutes before one o'clock A.M., the amendment was *rejected*.

Messrs. Boncore, Brady, Eldridge, Welch, Crighton and Collins, Ms. Creem, Ms. Gobi and Mr. Montigny moved to amend the bill in section 3, by striking out, in line 90, the words “and 116H” and inserting in place thereof the following words:- “, 116H and 116I”;

25

By striking out section 5 and inserting in place thereof the following section:-

“SECTION 5. Said chapter 6 is hereby amended by inserting after section 116G the following 2 sections:

Section 116H. The municipal police training committee, in consultation with the executive office of public safety and security, shall establish and develop basic and in-service training programs designed to train officers on the regulation of physical force under section 4 of chapter 147A. Such programs shall be included in basic and in-service training for all officers for which the committee establishes training policies and standards under section 116 and in the training programs prescribed by chapter 22C.

Section 116I. (a) The municipal police training committee shall establish and develop an in-service training program designed to train school resource officers, as defined in section 37P of chapter 71. Such program shall include training on: (i) the ways in which

legal standards regarding police interaction and arrest procedures differ for juveniles compared to adults; (ii) child and adolescent cognitive development, which shall include instruction on common child and adolescent behaviors, actions and reactions as well as the impact of trauma, mental illness and developmental disabilities on child and adolescent development and behavior; (iii) engagement and de-escalation tactics that are specifically effective with youth; and (iv) strategies for resolving conflict and diverting youth in lieu of making an arrest.

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

In section 6, in proposed section 222 of chapter 6 of the General Laws by inserting after the first sentence the following sentence:- “The police officer standards and accreditation committee shall have the power to issue an additional certification for an individual acting, or intending to act, as a school resource officer, as defined in section 37P of chapter 71.”;

In said section 6, in proposed subsection (a) of section 223 of chapter 6 of the General Laws, by adding the following sentence:- “A person shall not be appointed as a school resource officer, as defined in section 37P of chapter 71, unless specially certified as such by the police officer standards and accreditation committee.”;

In said section 6, in proposed subsection (b) of section 223 of chapter 6 of the General Laws by adding the following sentence:- “A person who completes a training program as prescribed by section 116I of chapter 6 shall be certified by the police officer standards and accreditation committee as a school resource officer.”; and

By inserting after section 70 the following section:-

“SECTION 70A. Notwithstanding any general or special law to the contrary, a person who is appointed as a school resource officer, as defined in section 37P of chapter 71, as of the effective date of this act may continue in such appointment without receiving a certification to serve as such pursuant to subsection (a) of section 223 of chapter 6; provided, however, that they receive said certification by August 1, 2021.”.

After remarks, the amendment was adopted.

Messrs. Tarr and O'Connor moved to amend the bill by inserting after section 66 the following section:-

“SECTION 66A. The executive office of public safety and security shall study the feasibility and recommend a plan on ensuring that all municipal law enforcement departments achieve a minimum level of accreditation from the Massachusetts Police Accreditation Commission, Inc. or an equivalent accrediting entity. The study shall include, but not be limited to: (i) a cost assessment of requiring such accreditation; (ii) a survey of any grants available to assist a law enforcement department in achieving such accreditation; (iii) an estimate of a reasonable time period in which a law enforcement department could achieve such accreditation; and (iv) an assessment as to whether the available accrediting entities evaluate a law enforcement department’s compliance with federal and state civil rights and equal protection laws as a part of the entity’s accreditation process.

Not later than July 1, 2021, the executive office of public safety and security shall file a report of its findings, including any recommendations, with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on public safety and homeland security.”.

After remarks, the amendment was adopted.

Ms. Rausch and Mr. Eldridge moved to amend the bill in section 2, by striking out, in line 75, the words “records describing” and inserting in place thereof the following words:-

57

59

“the information contained in the database required in subsection (c) of section 223 of chapter 6 or”.

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. Rausch, Ms. Jehlen and Ms. Creem moved that the bill be amended in section 63, by striking out, in line 1248, the words “and (iii)” and inserting in place thereof the following words:- “(iii) requiring that an inmate and the inmate’s legally designated representative shall have the right to obtain a copy of all records relating to any use of force incident involving the inmate including, but not limited to, written reports, investigations, video and audio recordings and photographs; (iv) making a public record, and to what extent, records relating to any use of force incident involving an inmate a public record; and (v)”.

113

The amendment was adopted.

Messrs. Cyr and Eldridge moved that the bill be amended in section 3, by striking out, in line 97, the words “records of training for all officers” and inserting in place thereof the following words:- “an electronic database of all trainings, including trainings that are not mandated by law, completed by an officer”;

125

In said section 3, in the proposed sixth paragraph of section 116 of chapter 6 of the General Laws, by inserting after the first sentence the following sentence:- “An appointing authority that offers in-service training to an officer shall track the completed trainings for the officer through the committee’s database.”;

In said section 3, in proposed section 116 of said chapter 6, by adding the following 2 paragraphs:-

“Annually, not later than December 31, the committee shall file a report with the secretary of administration and finance, the state auditor and the senate and house committees on ways and means. The report shall account for the expenditures of the committee during the prior fiscal year and shall include, but not be limited to, the: (i) total funds spent on training for new police officer candidates; (ii) total funds spent on in-service training for existing officers; and (iii) percentage of existing municipal police officers who have completed their required annual in-service training requirements. Upon the request of the secretary of administration and finance, the state auditor, the chair of the senate committee on ways and means or the chair of the house committee on ways and means, the committee shall provide data used to develop the report in a de-identified form. Not less than once every 3 years, the municipal police training committee shall complete a review of its curriculum, training materials and practices. The review shall be conducted in collaboration with the commission on the status of African Americans, established in section 72 of chapter 3, at least 1 person affiliated with an academic institution in the commonwealth who has experience with, or expertise in, law enforcement practice and training, criminal law, civil rights law, the criminal justice system or social science fields related to race or bias and any other persons or entities the committee deems appropriate. Not more than 30 days after the completion of a review under this section, a summary of the review shall be filed with the clerks of senate and house of representatives, the joint committee on public safety and homeland security and the secretary of public safety and security.”;

In section 4, in subsection (b) of section 116G of said chapter 6, by striking out proposed clause (iii) and inserting in place thereof the following clause:- “(iii) handling emergencies and complaints, including, but not limited to, those involving victims, witnesses or suspects with mental illness, substance use disorder, trauma history or developmental or intellectual disabilities, which shall include training related to common behavior and actions exhibited by such individuals, strategies law enforcement officers may use for reducing or preventing the risk of harm and strategies that involve the least intrusive means of addressing such incidences and individuals while protecting the safety

of the law enforcement officer and other persons; provided, however, that training presenters shall include certified mental health practitioners with expertise in the delivery of direct services to individuals, including victims, witnesses or suspects with mental illness, substance use disorder, trauma history or developmental or intellectual disabilities in emergency situations”; and

By inserting after section 70, the following 2 sections:-

“SECTION 70A. The municipal police training committee shall complete a 10-year strategic plan establishing its goals and objectives, approved by not less than two-thirds of its voting members. The strategic plan shall include, but not be limited to: (i) a description of how the committee plans to prioritize its financial resources; (ii) the scope of training the committee plans to offer new and existing officers; and (iii) an analysis of whether the committee will be able to provide the required, mandated in-service training to existing officers. Not later than July 1, 2021, a report on the strategic plan shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on public safety and homeland security. The committee shall publish the report on its website.

SECTION 70B. Notwithstanding any general or special law to the contrary, the first review of the municipal police training committee’s curriculum, training materials and practices, as required by section 116 of chapter 6 of the General Laws, shall be completed not later than January 1, 2023.”.

After remarks, the amendment was adopted.

Messrs. Tarr, Brady, O'Connor and Tran moved that the bill be amended by striking in line 111 the word “may” and inserting in place the following:- “shall”; by inserting in line 207 after the word, “inclusive” the following:-”provided that such regulations shall, at a minimum, ensure procedural and substantive due process pursuant to the United States Constitution and the Massachusetts Constitution as they pertain to tribunals, including but not limited to the fifth amendment of the united states constitution, with regard to any investigation, hearing, decision or other action taken by said committee, provided further, that in all proceedings before the police officer standards and accreditation committee, the subject of said proceedings shall have the ability to assert their right under the fifth amendment under the United States constitution, and said assertion shall not be taken into consideration against the subject in later proceedings before the police officer standards and accreditation committee”.

8

Messrs. Tran and Tarr moved that the pending amendment (Tarr et al) be amended by inserting at the end of the underlying amendment the following:-

8.1

In section 10 by striking subsection (c) of section 11I; and

By inserting the following section:

“SECTION . Notwithstanding any general or special law to contrary there shall be a special commission to study qualified immunity. The special commission shall consist of 13 members appointed by the governor, 1 of whom shall be nominated by the colonel of the state police, 1 of whom shall be nominated by the commissioner of the Massachusetts bay transportation authority police force, 1 of whom shall be nominated by the commissioner of police of the city of Boston, 1 of whom shall be a chief of police of a police department outside of the Boston metropolitan area nominated by the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall be a law enforcement officer nominated by the Massachusetts Association of Minority Law Enforcement Officers, Inc., 1 of whom shall be a law enforcement officer below the rank of sergeant, 1 of whom shall be nominated by the American Civil Liberties Union of Massachusetts, Inc., 1 of whom shall be nominated by the Boston branch of the National Association for the Advancement of Colored People New England Area Conference, 1 of whom shall be nominated by a Massachusetts branch, other than the Boston branch, of the National Association for the



Advancement of Colored People New England Area Conference, 1 of whom shall be a professor at a Massachusetts law school, 2 of whom shall be a retired judge, 1 of whom shall be a member of the Massachusetts District Attorney's association.

Said commission shall report back within 90 days of the effective date of this act with recommended changes to ensure qualified immunity is appropriately structured so as to provide appropriate safeguards to those acting in good faith while preventing the availability of such a defense where it is not appropriate or justifiable. Said report and recommendations shall be filed with the clerks of house and senate.”

The amendment was *rejected*.

Messrs. Tarr, Brady, O'Connor and Tran moved that the bill be amended by striking in line 111 the word “may” and inserting in place the following:- “shall”; and

8

By inserting in line 207 after the word, “inclusive” the following:- “provided that such regulations shall, at a minimum, ensure procedural and substantive due process pursuant to the United States Constitution and the Massachusetts Constitution as they pertain to tribunals, including but not limited to the fifth amendment of the united states constitution, with regard to any investigation, hearing, decision or other action taken by said committee, provided further, that in all proceedings before the police officer standards and accreditation committee, the subject of said proceedings shall have the ability to assert their right under the fifth amendment under the United States constitution, and said assertion shall not be taken into consideration against the subject in later proceedings before the police officer standards and accreditation committee”.

The amendment was *rejected*.

Messrs. Tarr, Velis, O'Connor and Fattman moved that the bill be amended in section 6, line 201 by adding after the word “inclusive” the following: “; provided however, that any revocation or non renewal of any law enforcement officer’s certification shall be by a three-fourths vote of said committee’s members then voting”; and by striking in line 364 the word, “majority” and inserting in place thereof the following:-”three-fourths”.

26

The amendment was *rejected*.

Messrs. Fattman and O'Connor, Ms. Gobi and Mr. Tran moved to amend the bill by inserting the text of Senate document numbered 2825, relative to POSAC.

51

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before one o'clock A.M., on motion of Mr. Fattman, as follows, to wit (yeas 10 – nays 29) [**Yeas and Nays No. 226**]:

**YEAS.**

Brady, Michael D.  
DiZoglio, Diana  
Fattman, Ryan C.  
Gobi, Anne M.  
Moran, Susan L.

O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A. – **10.**

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian

Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Rausch, Rebecca L.



DiDomenico, Sal N.  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.

Rodrigues, Michael J.  
Rush, Michael F.  
Velis, John C.  
Welch, James T. – 29.

The yeas and nays having been completed at seven minutes past one o'clock A.M., the amendment was *rejected*.

Ms. Rausch, Mr. Eldridge, Ms. Jehlen, Messrs. Collins and Cyr, Ms. Chang-Diaz and Ms. Comerford moved that the bill be amended in section 55, in line 1109, by inserting before the words “A law enforcement officer” the following two sentences:- “When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict, and potential communication needs between police and event participants. The department shall make plans to avoid and de-escalate potential conflicts, and designate an officer in charge of de-escalation planning and communication about those plans within the department.”

65

After remarks, the amendment was adopted.

Mr. Tran moved that the bill be amended by inserting the following:-

68

“SECTION\_ Notwithstanding any general or special law to the contrary, this act shall not apply to any current collective bargaining agreements.”

The amendment was *rejected*.

Mr. Tran, Ms. Gobi and Mr. Fattman moved that the bill be amended in section 10 by striking subsection (c) of section 11I.

74

The amendment was *rejected*.

Ms. Rausch and Mr. Eldridge moved that the bill be amended in section 52, by striking out, in line 977, the word “Annually” and inserting in place thereof the word:- “Semi-annually”.

76

After remarks, the amendment was adopted.

Mr. O'Connor moved that the bill be amended by striking section 10 and inserting thereof the following:-

85

“SECTION 10. There shall be a special commission on the reform of qualified immunity. The commission shall discuss, define, and clarify qualified immunity and make recommendations on best language to implement reforms of qualified immunity. The commission shall consist of: 3 persons appointed by the governor from a list of not less than 5 nominees provided by the Massachusetts branches of the National Association for the Advancement of Colored People New England Area Conference; the executive director of Lawyers for Civil Rights, Inc., or a designee; the executive director of the American Civil Liberties Union of Massachusetts, Inc., or a designee; a representative of the New England Police Benevolent Association; a representative of the Massachusetts Sheriffs Association, Inc.; 2 persons appointed by the president of the senate; 2 persons appointed by the speaker of the house of representatives; 1 person appointed by the senate minority leader; and 1 person appointed by the house minority leader.

The commission shall report and file its findings and recommendations, including any legislation, with the clerks of the senate and house of representatives and the joint committee on the judiciary within 90 days of the commission’s first meeting.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in section 6, line 381, by inserting after the word “Index” the following:- “ and to the contributory retirement system in which the officer is a member”.

86.

After remarks, the amendment was adopted.

Messrs. Tarr, Brady, O'Connor and Montigny moved that the bill be amended by inserting after section 57 the following section:- 90

“SECTION\_ . Section 13A of chapter 269 is hereby amended by inserting in the first sentence after the word ‘officers’ the following:- ‘or false report of police misconduct.’”

The amendment was *rejected*.

Mr. O'Connor and Ms. Moran moved that the bill be amended by striking section 50 in its entirety. 99

The amendment was *rejected*.

Ms. Jehlen, Ms. Rausch and Mr. Eldridge moved that the bill be amended by striking out section 49 and inserting in place thereof the following section:- 108

“SECTION 49. Section 37L of chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

School department personnel and school resource officers, as defined in section 37P, shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels including, but not limited to text, phone, email, database and in-person communication, or submit to a the Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system that tracks gang affiliation or involvement any information relating to a student or a student’s family member or from its databases or other record-keeping systems including, but not limited to: (i) immigration status; (ii) citizenship; (iii) neighborhood of residence; (iv) religion; (v) national origin; (vi) ethnicity; (vii) native or spoken language; (viii) suspected, alleged or confirmed gang affiliation, association or membership; (ix) participation in school activities, extracurricular activities both inside and outside of school, sports teams or school clubs or organizations; (x) degrees, honors or awards; and (xi) post-high school plans. Nothing in this paragraph shall prohibit the sharing of information for the purposes of completing a report pursuant to sections 51A or 57 of chapter 119 or filing a weapon report with the local chief of police pursuant to this section.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past one o'clock A.M., on motion of Mr. Welch, as follows, to wit (yeas 27 – nays 12) [Yeas and Nays No. 227]:

**YEAS.**

- |                          |                          |
|--------------------------|--------------------------|
| Barrett, Michael J.      | Friedman, Cindy F.       |
| Boncore, Joseph A.       | Hinds, Adam G.           |
| Brownsberger, William N. | Jehlen, Patricia D.      |
| Chandler, Harriette L.   | Keenan, John F.          |
| Chang-Diaz, Sonia        | Lesser, Eric P.          |
| Comerford, Joanne M.     | Lewis, Jason M.          |
| Creem, Cynthia Stone     | Lovely, Joan B.          |
| Crighton, Brendan P.     | Montigny, Mark C.        |
| Cyr, Julian              | Moran, Susan L.          |
| DiDomenico, Sal N.       | Rausch, Rebecca L.       |
| DiZoglio, Diana          | Rodrigues, Michael J.    |
| Eldridge, James B.       | Rush, Michael F.         |
| Feeney, Paul R.          | Timilty, Walter F. – 27. |
| Finegold, Barry R.       |                          |

**NAYS.**

- |                   |                      |
|-------------------|----------------------|
| Brady, Michael D. | O'Connor, Patrick M. |
| Collins, Nick     | Pacheco, Marc R.     |

Fattman, Ryan C.  
Gobi, Anne M.  
Kennedy, Edward J.  
Moore, Michael O.

Tarr, Bruce E.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 12.

The yeas and nays having been completed at twenty-eight minutes past one o'clock A.M., the amendment was adopted.

Messrs. O'Connor and Velis, Ms. Gobi and Messrs. Timilty, Pacheco and Feeney moved that the bill be amended in section 6, in line 158, by striking the following words:-  
“within the appointing authority or the committee”.

The amendment was *rejected*.

Ms. DiZoglio and Messrs. Eldridge, Hinds and Montigny moved that the bill be amended in section 58, in proposed section 2D of chapter 276 of the General Laws, by adding the following subsection:-

“(e) The executive office of public safety and security shall promulgate regulations regarding data collection on the execution of any warrant issued pursuant to this section including, but not limited to: (i) the total number of warrants issued; and (ii) for each issued warrant: (A) any alleged offense serving as the basis of the warrant; (B) the date and time of execution of the warrant and the municipality in which the warrant was executed; (C) whether execution of the warrant resulted in the discovery or seizure of any weapons or contraband or resulted in the arrest of any individuals; and (D) whether execution of the warrant resulted in any injuries or deaths. Annually, not later than December 31, the executive office of public safety and security shall file a report of the data collected pursuant to this subsection in an aggregated and de-identified format with the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on the judiciary and the joint committee on public safety and homeland security.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before two o'clock A.M., on motion of Ms. DiZoglio, as follows, to wit (yeas 39 – nays 0) [**Yeas and Nays No. 228**]:

**YEAS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.

Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 39.

Hinds, Adam G.

**NAYS – 0.**

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

Messrs. Tarr and O'Connor moved that the bill be amended by inserting the following section:- 122

“SECTION. Notwithstanding any general or special laws to the contrary the executive office of public safety and security shall conduct a comprehensive review and analysis on the number, type, and impact of the provisions of this act as they relate to qualified immunity.

Said study along with any legislative recommendations shall be submitted to the clerks of the house and senate by December 31, 2021.”

The amendment was *rejected*.

Messrs. Fattman and Velis, Ms. Gobi and Messrs. Pacheco, Timilty and Tarr moved that the bill be amended by striking out the words “a preponderance of the”, in lines 364 and 368, and inserting in place thereof the following words:- “clear and convincing”. 126

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the bill be amended by inserting in line 205 after the words “complaints of officer misconduct” the following:- “in so investigating, the police officer standards and accreditation committee shall determine in writing whether the police officers standards and accreditation committee or the appointing authority shall be the sole and exclusive adjudicator of the complaint of officer misconduct, provided however, that such exclusive jurisdiction shall not prohibit separate investigations conducted by either entity”. 127

The amendment was *rejected*.

Messrs. Welch and Tarr moved that the bill be amended by inserting, in section 64, in line 1312, after the word “designee;” the following words:- “executive director of the Massachusetts Office for Victim Assistance, or a designee”. 131

The amendment was *rejected*.

The President in the Chair, Messrs. Collins, Eldridge, Velis, Brady and Feeney, Ms. Gobi and Messrs. Timilty, Pacheco, Welch, Tarr, Tran, Keenan, Montigny and Fattman moved to amend the bill in section 220, in line 158, by striking the words “within the appointing authority or the committee”. 134

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before three o'clock A.M., on motion of Mr. Pacheco, as follows, to wit (yeas 16 – nays 24) **[Yeas and Nays No. 229]:**

**YEAS.**

Brady, Michael D.  
Collins, Nick  
DiZoglio, Diana  
Fattman, Ryan C.  
Feeney, Paul R.  
Gobi, Anne M.  
Keenan, John F.  
Montigny, Mark C.

Moore, Michael O.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A.  
Velis, John C.  
Welch, James T. – 16.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brownsberger, William N.

Friedman, Cindy F.  
Hinds, Adam G.  
Jehlen, Patricia D.

Chandler, Harriette L.  
Chang-Diaz, Sonia  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
Eldridge, James B.  
Finegold, Barry R.

Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Moran, Susan L.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E. – 24.

The yeas and nays having been completed at twenty minutes before three o'clock A.M., the amendment was *rejected*.

Messrs. Montigny, Feeney, Brady, Tarr, Collins and Moore moved to amend the bill by inserting at the end thereof the following section:-

139

“SECTION XX. Notwithstanding any special or general law to the contrary, the executive office of public safety and security shall promulgate regulations requiring police departments to participate in critical incident stress management and peer support programs to address police officer mental wellness and suicide prevention as well as address critical incident stress and the effect on public safety. Said programs shall either be created internally within a department or departments may collaborate within a regional system. Said programs must include, but are not limited to, mental wellness and stress management pre-incident and post-incident education, peer support, availability and referral to professional resources and assistance. The secretary shall ensure that each officer is notified of said program during each 3 year certification cycle provided in this act.”

After remarks, the amendment was adopted.

Ms. Friedman in the Chair, Mr. Welch, Ms. Jehlen and Mr. Collins moved to amend the bill by striking, in line 1063, the following words:- “with the intent of or with the result of causing unconsciousness or death”.

58

The question on adoption of the amendment was determined by a call of the yeas and nays, at six minutes before three o'clock A.M., on motion of Mr. Welch, as follows, to wit (yeas 16 – nays 23) [**Yeas and Nays No. 230**]:

**YEAS.**

Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.

Hinds, Adam G.  
Jehlen, Patricia D.  
Lesser, Eric P.  
Lovely, Joan B.  
Montigny, Mark C.  
Rausch, Rebecca L.  
Velis, John C.  
Welch, James T. – 16.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Crighton, Brendan P.  
Fattman, Ryan C.  
Feeney, Paul R.

Kennedy, Edward J.  
Lewis, Jason M.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Pacheco, Marc R.  
Rodrigues, Michael J.  
Rush, Michael F.

Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.  
Keenan, John F.

Tarr, Bruce E.  
Timilty, Walter F.  
Tran, Dean A. – 23.

The yeas and nays having been completed at two minutes past three o'clock A.M., the amendment was *rejected*.

Mr. Tran moved to amend the bill by inserting in line 1100 after the word, “hold” the following:- “, unless the officer reasonably believes that their life is in immediate jeopardy of imminent death or serious bodily injury”.

62

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past three o'clock A.M., on motion of Mr. Tran, as follows, to wit (yeas 3 – nays 36) [**Yeas and Nays No. 231**]:

**YEAS.**

Fattman, Ryan C.  
O'Connor, Patrick M.

Tran, Dean A. – 3.

**NAYS.**

Barrett, Michael J.  
Boncore, Joseph A.  
Brady, Michael D.  
Brownsberger, William N.  
Chandler, Harriette L.  
Chang-Diaz, Sonia  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone  
Crighton, Brendan P.  
Cyr, Julian  
DiDomenico, Sal N.  
DiZoglio, Diana  
Eldridge, James B.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gobi, Anne M.

Hinds, Adam G.  
Jehlen, Patricia D.  
Keenan, John F.  
Kennedy, Edward J.  
Lesser, Eric P.  
Lewis, Jason M.  
Lovely, Joan B.  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
Pacheco, Marc R.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C.  
Welch, James T. – 36.

The yeas and nays having been completed at a quarter past three o'clock A.M., the amendment was *rejected*.

Messrs. Welch and Tarr moved to amend the bill by adding, in section 4, line 121, after the word “individuals,” the following words:- “trauma-informed approach to victim and witness response services to better understand the experience of victims and witnesses”.

63

After remarks, the amendment was *rejected*.

Messrs. Welch and Montigny moved to amend the bill by adding the following section:-

143

“SECTION XX: Section 119A of chapter 127, as appearing in the 2018 Official Edition, is hereby amended by inserting, in section (c)(1), after the word ‘prisoner’ the following words:- ‘excluding a prisoner convicted of murder in the first degree’.”

After remarks, Mr. Brownsberger rose to a point of parliamentary inquiry which, being stated, was that the amendment before the Senate was beyond the scope.

The Chair (Ms. Friedman) rules that the amendment was out of order. Therefore, the



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point of order was well taken, and the amendment was laid aside.

Mr. Welch doubted the ruling of the Chair; and this motion was seconded by Mr. Montigny.

The question on “Shall the ruling of the Chair stand?” was determined by a call of the yeas and nays, at twenty-four minutes before four o’clock A.M., on motion of Mr. Welch, as follows, to wit (yeas 36 – nays 4) [**Yeas and Nays No. 232**]:

**YEAS.**

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Moore, Michael O.
Creem, Cynthia Stone	Moran, Susan L.
Crighton, Brendan P.	Pacheco, Marc R.
Cyr, Julian	Rausch, Rebecca L.
DiDomenico, Sal N.	Rodrigues, Michael J.
DiZoglio, Diana	Rush, Michael F.
Eldridge, James B.	Spilka, Karen E.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Tran, Dean A.
Gobi, Anne M.	Velis, John C. – 36.

**NAYS.**

Fattman, Ryan C.	O'Connor, Patrick M.
Montigny, Mark C.	Welch, James T. – 4.

The yeas and nays having been completed at sixteen minutes before four o’clock A.M., the ruling of the Chair stood, and the amendment was laid aside.

The bill (Senate, No. 2800, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes past four o’clock A.M., on motion of Mr. Cyr, as follows to wit (yeas 30 – nays 4) [**Yeas and Nays No. 233**]:

**YEAS.**

Barrett, Michael J.	Hinds, Adam G.
Boncore, Joseph A.	Jehlen, Patricia D.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Kennedy, Edward J.
Chandler, Harriette L.	Lesser, Eric P.
Chang-Diaz, Sonia	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moran, Susan L.
Cyr, Julian	Pacheco, Marc R.
DiDomenico, Sal N.	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Feeney, Paul R.	Spilka, Karen E.

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Finegold, Barry R.  
Friedman, Cindy F.

Timilty, Walter F.  
Welch, James T. – 30.

**NAYS.**

Collins, Nick  
Fattman, Ryan C.  
Gobi, Anne M.  
Moore, Michael O.

Rush, Michael F.  
Tran, Dean A.  
Velis, John C. – 7.

**ANSWERED “PRESENT”.**

DiZoglio, Diana (*present*)  
O'Connor, Patrick M. (*present*)

Tarr, Bruce E. (*present*) – 3.

**The yeas and nays having been completed at eleven minutes past four o'clock A.M., the bill, as amended, was passed to be engrossed [For text of Senate Bill, printed as amended, see Senate, No. 2820].**

**Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Cyr,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M. in a full formal session without a calendar.

Time of meeting.

On motion of Ms. Friedman, at twelve minutes past four o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.