

# SENATE . . . . . No. 2800

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## The Commonwealth of Massachusetts

—  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
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SENATE, July 6, 2020.

The committee on Senate Ways and Means to whom was referred the House Bill relative to host community agreements (House, No. 4398), - reported, in part, a "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) (also based on Senate, Nos. 1367, 2469 and 1052).

For the committee,  
Michael J. Rodrigues

**SENATE . . . . . No. 2800**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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

3           Section 72. (a) There shall be a permanent commission on the status of African  
4 Americans. The commission shall consist of: 3 persons appointed by the governor from a list of  
5 not less than 5 nominees provided by the Massachusetts branches of the National Association for  
6 the Advancement of Colored People New England Area Conference; 3 persons appointed by the  
7 president of the senate from a list of not less than 5 nominees from the Massachusetts Black &  
8 Latino Legislative Caucus; and 3 persons appointed by the speaker of the house of  
9 representatives from a list of not less than 5 nominees provided by the Massachusetts Black and

10 Latino Legislative Caucus. Members of the commission shall be residents of the commonwealth  
11 who have demonstrated a commitment to the African American community. Members shall be  
12 considered special state employees for purposes of chapter 268A.

13 (b) Members shall serve terms of 3 years and until their successors are appointed.

14 Vacancies in the membership of the commission shall be filled by the original appointing  
15 authority for the balance of the unexpired term.

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

20 (d) The commission shall be a resource to the commonwealth on issues affecting African  
21 Americans. It shall be a primary function of the commission to make policy recommendations,  
22 based on research and analysis, to the general court and executive agencies that: (i) ensure  
23 African Americans equitably benefit from and have access to government services in the same  
24 manner as other citizens of the commonwealth; (ii) amend laws, policies and practices that have  
25 benefited citizens of the commonwealth to the exclusion of African Americans; and (iii) promote  
26 solutions that address the impact of discrimination against African Americans. Further, the  
27 commission shall: (A) promote research and be a clearinghouse and source of information on  
28 issues pertaining to African Americans in the commonwealth; (B) inform the public and leaders  
29 of business, education, human services, health care, judiciary, state and local governments and  
30 the media of the historical and current implications of systemic racism on the African American  
31 community across the commonwealth and the unique cultural, social, ethnic, economic and

32 educational issues affecting African Americans in the commonwealth; (C) serve as a liaison  
33 between government and private interest groups with regard to matters of unique interest and  
34 concern to African Americans in the commonwealth; (D) identify and recommend qualified  
35 African Americans for appointive positions at all levels of government, including boards and  
36 commissions; (E) assess programs and practices in all state agencies as they affect African  
37 Americans using a racial equity framework; (F) advise executive agencies and the general court  
38 on the potential effect on African Americans of proposed legislation and regulations using a  
39 racial equity framework; (G) monitor executive and legislative action purported to eliminate  
40 systemic racism for its impact on African Americans using a racial equity framework; and (H)  
41 generally undertake activities designed to enable the commonwealth to realize the full benefit of  
42 the skills, talents and cultural heritage of African Americans in the commonwealth.

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

46 (f) The powers of the commission shall include, but not be limited to: (i) directing a staff  
47 to perform its duties; (ii) holding regular, public meetings and fact-finding hearings and other  
48 public forums as necessary; (iii) using the voluntary and uncompensated services of private  
49 individuals, agencies and organizations that may from time to time be offered and needed,  
50 including provision of meeting places and refreshments; (iv) establishing and maintaining offices  
51 that it considers necessary, subject to appropriation; (v) enacting by-laws for its own governance;  
52 (vi) contract or collaborate with academic institutions, private sector consultants or other  
53 professionals for research and analysis; and (vii) recommending policies and making

54 recommendations to agencies and officers of the state and local subdivisions of government to  
55 effectuate the purposes of subsection (d).

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

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

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

70 SECTION 2. Clause twenty-sixth of section 7 of chapter 4 of the General Laws is hereby  
71 amended by striking out subclause (c), as appearing in the 2018 Official Edition, and inserting in  
72 place thereof the following subclause:-

73 (c) personnel and medical files or information and any other materials or data relating to  
74 a specifically named individual, the disclosure of which may constitute an unwarranted invasion

75 of personal privacy; provided, however, that this subclause shall not apply to records describing  
76 the disposition of a law enforcement misconduct investigation.

77 SECTION 3. Section 116 of chapter 6 of the General Laws, as so appearing, is hereby  
78 amended by striking out the fourth paragraph and inserting in place thereof the following 6  
79 paragraphs:-

80 The committee shall set policies and standards for the training of: (i) municipal police  
81 officers, and candidates for such appointment; (ii) police officers in the Massachusetts bay  
82 transportation authority police force, and candidates for such appointment; (iii) police officers of  
83 the office of law enforcement within the executive office of environmental affairs, and  
84 candidates for such appointment; (iv) University of Massachusetts police officers, and candidates  
85 for such appointment; (v) campus police officers attending committee-approved academies or  
86 training programs; and (vi) deputy sheriffs, appointed pursuant to section 3 of chapter 37,  
87 performing police duties and functions. The policies and standards shall be in accordance with  
88 applicable laws and regulations, including the training mandated by section 36C of chapter 40,  
89 sections 96B and 97B of chapter 41, section 24M of chapter 90 and sections 116A to 116E,  
90 inclusive, 116G and 116H of this chapter.

91 The committee shall set policies and standards for background investigations for all  
92 persons appointed to committee-certified municipal police training schools and initial  
93 appointments of those persons; provided, however, that, at a minimum, background  
94 investigations shall require verification against the National Decertification Index, as defined in  
95 section 220, and the database maintained by the police officer standards and accreditation  
96 committee, as described in subsection (c) of section 223.

97           The committee shall maintain records of training for all officers for which it establishes  
98 training policies and standards under this section, issue confirmation of satisfactory completion  
99 of training, provide for extensions of training requirements for good cause if a reasonable plan of  
100 remediation is provided and maintain records of any such extension and the reason for such  
101 extension. The committee may waive a training requirement if the officer can demonstrate  
102 current competence based on commensurate prior training. The committee shall provide records  
103 of completion of training to the police officer standards and accreditation committee pursuant to  
104 subsection (c) of section 223.

105           The committee shall establish training requirements and develop guidance for meeting  
106 the requirements through trainings provided by the committee or other independent educational  
107 entities.

108           The committee shall review and recommend to the secretary of public safety and security  
109 an annual appropriation for the administration of the committee, the operations of a headquarters  
110 and regional training centers and the delivery of standardized training at the centers.

111           The committee may promulgate regulations in accordance with chapter 30A as necessary  
112 to implement sections 116 to 118, inclusive.

113           SECTION 4. Subsection (b) of section 116G of said chapter 6, as so appearing, is hereby  
114 amended by striking out clauses (ii) and (iii) and inserting in place thereof the following 3  
115 clauses:-

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

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

128 (iv) the history of slavery, lynching, racist legal institutions and racism in the United  
129 States.

130 SECTION 5. Said chapter 6 is hereby further amended by inserting after section 116G  
131 the following section:-

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

138 SECTION 6. Said chapter 6 is hereby further amended by adding the following 6  
139 sections:-



140 Section 220. For the purposes of sections 220 to 225, inclusive, the following words  
141 shall have the following meanings unless the context clearly requires otherwise:

142 “Appointing authority”, the person or agency with authority to appoint a law enforcement  
143 officer.

144 “Law enforcement officer” or “officer”, a person performing police functions or duties  
145 and appointed to: (i) a municipal police department; (ii) the department of state police; (iii) the  
146 office of law enforcement within the executive office of environmental affairs; (iv) the  
147 Massachusetts bay transportation authority police force; (v) the University of Massachusetts  
148 system police force; (vi) serve as a special state police officer pursuant to sections 56 to 68,  
149 inclusive, of chapter 22C; (vii) serve as a deputy sheriff pursuant to section 3 of chapter 37; or  
150 (viii) serve as a campus police officer employed by a public or private institution of higher  
151 education.

152 “Municipal police training committee”, the committee established in section 116.

153 “National Decertification Index”, the national registry of certificate or license revocation  
154 actions related to officer misconduct as reported by participating state government agencies.

155 “Police officer standards and accreditation committee”, the committee established in  
156 section 221.

157 “Sustained complaint of misconduct”, a finding by an appointing authority or the  
158 committee, after the exhaustion of all rights to appeal within the appointing authority or the  
159 committee, that an officer has violated the appointing authority’s rules, policy or procedure or  
160 committed other misconduct or improper action, including, but not limited to, a violation of

161 chapter 147A, based upon findings of fact resulting from an investigation conducted pursuant to  
162 the appointing authority's formal process of internal control and discipline or an independent  
163 investigation by the committee.

164 Section 221. There shall be an independent police officer standards and accreditation  
165 committee within the executive office of public safety and security consisting of: 13 members  
166 appointed by the governor, 1 of whom shall be nominated by the colonel of the state police, 1 of  
167 whom shall be nominated by the commissioner of the Massachusetts bay transportation authority  
168 police force, 1 of whom shall be nominated by the commissioner of police of the city of Boston,  
169 1 of whom shall be a chief of police of a police department outside of the Boston metropolitan  
170 area nominated by the Massachusetts Chiefs of Police Association Incorporated, 1 of whom shall  
171 be a law enforcement officer nominated by the Massachusetts Association of Minority Law  
172 Enforcement Officers, Inc., 1 of whom shall be a law enforcement officer below the rank of  
173 sergeant, 1 of whom shall be nominated by the American Civil Liberties Union of  
174 Massachusetts, Inc., 1 of whom shall be nominated by the Boston branch of the National  
175 Association for the Advancement of Colored People New England Area Conference, 1 of whom  
176 shall be nominated by a Massachusetts branch, other than the Boston branch, of the National  
177 Association for the Advancement of Colored People New England Area Conference, 1 of whom  
178 shall be nominated by the Lawyers for Civil Rights, Inc., 1 of whom shall be a retired judge and  
179 2 of whom may be selected from a list of not less than 5 non-law enforcement individuals  
180 nominated by the Massachusetts Black and Latino Legislative Caucus; and 1 member appointed  
181 by the attorney general who is affiliated with an organization that advocates on behalf of  
182 communities that have disproportionately high instances of police interaction; provided,  
183 however, that non-law enforcement members shall have experience with or expertise in law

184 enforcement practice and training, criminal law, civil rights law, the criminal justice system or  
185 social science fields related to race or bias. Appointments to the police officer standards and  
186 accreditation committee shall be for terms of 3 years and until their successors are appointed.  
187 Vacancies in the membership of the committee shall be filled by the original appointing authority  
188 for the balance of the unexpired term. Members of the police officer standards and accreditation  
189 committee shall be compensated for work performed for the police officer standards and  
190 accreditation committee at such rate as the secretary of administration and finance shall  
191 determine and shall be reimbursed for their expenses necessarily incurred in the performance of  
192 their duties.

193         The governor shall appoint a chair of the committee. The police officer standards and  
194 accreditation committee shall appoint an executive director of the committee. The position of  
195 executive director shall be classified in accordance with section 45 of chapter 30 and the salary  
196 shall be determined in accordance with section 46C of said chapter 30. The police officer  
197 standards and accreditation committee shall employ such attorneys, investigators and support  
198 staff as are reasonably necessary to accomplish its duties.

199         Section 222. The police officer standards and accreditation committee shall have the  
200 power to certify, renew, revoke or otherwise modify the certification of any law enforcement  
201 officer pursuant to sections 223 to 225, inclusive. The police officer standards and accreditation  
202 committee shall have the power to receive complaints of officer misconduct from any person,  
203 request an officer's appointing authority to conduct an investigation of a complaint of officer  
204 misconduct and conduct independent investigations and adjudications of complaints of officer  
205 misconduct. The police officer standards and accreditation committee shall have the power to

206 promulgate regulations pursuant to chapter 30A as necessary to implement said sections 223 to  
207 225, inclusive.

208 Section 223. (a) A person shall not be appointed as a law enforcement officer unless  
209 certified by the police officer standards and accreditation committee.

210 (b) A person who completes an academy or training program certified by the municipal  
211 police training committee or the training programs prescribed by chapter 22C shall be certified  
212 by the police officer standards and accreditation committee.

213 (c) The police officer standards and accreditation committee shall maintain a database  
214 containing, for each certified law enforcement officer: (i) the dates of certification, renewal of  
215 certification, decertification, suspension of certification or reprimand; (ii) records of completion  
216 of municipal police training schools or training programs prescribed by chapter 22C; (iii) the  
217 date of any separation from employment from an appointing authority and the nature of the  
218 separation including, but not limited to, suspension, resignation, retirement or termination; (iv)  
219 the reason for any separation from employment including, but not limited to, whether the  
220 separation was based on misconduct or occurred while the appointing authority was conducting  
221 an investigation of the certified individual for a violation of an appointing authority's rules,  
222 policy or procedure or other misconduct or improper action; (v) any criminal conviction and the  
223 date thereof; and (vi) any sustained complaint of misconduct and the date thereof. The  
224 information in the database shall be made available to an appointing authority for the purpose of  
225 a background investigation of a candidate for appointment as a law enforcement officer. The  
226 committee shall set standards for background investigations for appointments subsequent to the  
227 initial appointment. The information in the database shall be a public record as defined in clause

228 twenty-sixth of section 7 of chapter 4. The municipal police training committee and the  
229 department of state police shall report to the police officer standards and accreditation committee  
230 the information required in clause (ii) and each appointing authority shall report to the police  
231 officer standards and accreditation committee the information required in clauses (iii) to (vi),  
232 inclusive. The police officer standards and accreditation committee shall prescribe the manner,  
233 form and frequency with which the information shall be provided to the police officer standards  
234 and accreditation committee.

235 (d) The police officer standards and accreditation committee shall maintain a searchable  
236 database of officers accessible to the public that shall include: (i) the officer's appointing  
237 authority; (ii) the date of the officer's initial certification and the officer's current certification  
238 status; and (iii) any sustained complaint of misconduct resulting in decertification, suspension of  
239 certification or reprimand and the date thereof; provided, however, that information shall not be  
240 included in the database that would allow the public to ascertain the home address of an officer  
241 or another person; provided further, that information regarding an officer's or another person's  
242 family member shall not be included in the database. The police officer standards and  
243 accreditation committee shall make the database publicly available on its website.

244 (e) The police officer standards and accreditation committee shall maintain a searchable  
245 database of all complaints against law enforcement officers. The database shall identify each  
246 officer by a confidential and anonymous number and include: (i) the officer's appointing  
247 authority; (ii) the date of the incident referenced in the complaint; (iii) the location of the  
248 incident; (iv) the race and ethnicity of each officer involved in the incident; (v) the age, gender,  
249 race and ethnicity of each person involved in the incident, if known; (vi) whether a person in the  
250 complaint was injured, received emergency medical care, was hospitalized or died as a result of

251 the incident; (vii) the agency or other entity assigned to conduct an investigation of the incident;  
252 (viii) whether the investigation is complete and, if complete, when it was completed; and (ix)  
253 whether the complaint was sustained; provided, however, that the police officer standards and  
254 accreditation committee shall redact or withhold such information as necessary to prevent the  
255 disclosure of the identity of an officer. The police officer standards and accreditation committee  
256 shall make the database publicly available on its website.

257           Annually, not later than February 1, the police officer standards and accreditation  
258 committee shall report on the number of complaints against law enforcement officers for which  
259 investigations are outstanding and not completed, aggregated by appointing authority and  
260 classified as to whether the appointing authority or the police officer standards and accreditation  
261 committee is conducting the investigation. The report shall differentiate outstanding complaints  
262 according to the date on which the complaint was filed. The police officer standards and  
263 accreditation committee shall file its report with the clerks of the senate and house of  
264 representatives, the joint committee on public safety and security and the senate and house  
265 committees on ways and means. The report shall also be made publicly available on the police  
266 officer standards and accreditation committee's website.

267           (f) The police officer standards and accreditation committee shall determine the form and  
268 manner of issuance of a certification under this section. A certification shall be valid for 3 years  
269 from the date of issuance.

270           (g) A person certified as a law enforcement officer shall renew the certification for an  
271 additional 3-year period by demonstrating satisfactory completion, prior to the date of expiration

272 of the current certification, by completing not less than 120 total hours of in-service training  
273 approved by the municipal police training committee or prescribed by chapter 22C.

274 The police officer standards and accreditation committee shall permit a law enforcement  
275 officer who has not completed the required in-service training to maintain their certification for  
276 good cause shown and upon demonstration by the officer of approval by the municipal police  
277 training committee or the department of state police, as applicable, of both a plan for the  
278 completion of the in-service training hours and the reasonable amount of time in which the  
279 training shall be completed.

280 (h) Based on nominations made by an agency or person, the police officer standards and  
281 accreditation committee shall annually recognize: (i) the appointing authority that has most  
282 successfully used de-escalation techniques in the field; (ii) the officer who has most successfully  
283 used de-escalation techniques in the field; and (iii) the appointing authority that is most improved  
284 in its use of de-escalation techniques in the field.

285 Section 224. (a) An appointing authority shall report a complaint of officer misconduct to  
286 the police officer standards and accreditation committee within 2 business days of receiving the  
287 complaint. The police officer standards and accreditation committee shall report a complaint of  
288 officer misconduct to the appointing authority not later than 2 business days of receiving the  
289 complaint. The police officer standards and accreditation committee shall provide notice to an  
290 officer of any complaint against the officer by certified mail.

291 If the complaint involves serious injury or death, the police officer standards and  
292 accreditation committee shall notify the district attorney and the attorney general. The police  
293 officer standards and accreditation committee may conduct an independent investigation of a

294 complaint of officer misconduct or it may request that an officer's appointing authority  
295 investigate the complaint pursuant to the appointing authority's formal process of internal control  
296 and discipline; provided, however, that the police officer standards and accreditation committee  
297 shall investigate a complaint of officer misconduct that, if sustained, would result in revocation  
298 of certification under subsection (a) of section 225. The initiation of an investigation by the  
299 police officer standards and accreditation committee shall not prevent the appointing authority  
300 from conducting its own investigation pursuant to the appointing authority's formal process of  
301 internal control and discipline. The final disposition of a misconduct investigation by the  
302 appointing authority shall be reported to the police officer standards and accreditation  
303 committee. The police officer standards and accreditation committee may require an appointing  
304 authority to provide any additional information reasonably necessary to determine whether to  
305 initiate revocation proceedings.

306 (b) The police officer standards and accreditation committee shall have the authority to  
307 issue subpoenas to obtain all documents, materials and witnesses relevant to a complaint. A  
308 subpoena may be issued by the chair or by any 3 committee members acting concurrently.

309 (c) As part of an independent investigation, the police officer standards and accreditation  
310 committee may, on its own initiative or at the request of the law enforcement officer, hold formal  
311 hearings. The police officer standards and accreditation committee may conduct a hearing as a  
312 committee of the whole, by a subcommittee or by an appointed hearing officer. An officer  
313 against whom a complaint is presented shall have the right to be present and to have legal  
314 counsel present at any hearing. Regardless of whether a hearing is conducted as a part of the  
315 investigation, the officer shall have the right to submit materials or testimony regarding the  
316 complaint.



317 (d) For every complaint investigated by the police officer standards and accreditation  
318 committee, the decision as to whether to sustain the complaint, in whole or in part, shall be made  
319 by vote of the police officer standards and accreditation committee. The affected law  
320 enforcement officer shall have the right to a hearing before the vote of the police officer  
321 standards and accreditation committee. If the police officer standards and accreditation  
322 committee, by its vote, finds that a law enforcement officer engaged in misconduct or other  
323 inappropriate action, the officer shall be subject to discipline pursuant to section 225.

324 (e) The police officer standards and accreditation committee shall promulgate regulations  
325 governing its investigative proceedings in accordance with chapter 30A.

326 Section 225. (a) The police officer standards and accreditation committee shall revoke an  
327 officer's certification if: (i) the certification was issued by administrative error; (ii) the  
328 certification was obtained through misrepresentation or fraud; (iii) the officer falsified a  
329 document to obtain or renew any certification; (iv) the officer has had a certification or other  
330 authorization revoked by another jurisdiction on grounds that would require revocation under  
331 this section; (v) the officer is convicted of a felony; (vi) the officer is found not guilty of a felony  
332 by reason of lack of criminal responsibility; (vii) the officer is terminated based upon intentional  
333 conduct performed under the color of law to: (A) obtain a false confession; (B) make a false  
334 arrest; (C) create or use falsified evidence, including false testimony or destroying evidence to  
335 create a false impression; (D) engage in conduct that would constitute a hate crime as defined in  
336 section 32 of chapter 22C; or (E) directly or indirectly receive a reward, gift or gratuity on  
337 account of the officer's official services; (viii) the officer is convicted of a misdemeanor that  
338 would render that officer ineligible for a license to carry a firearm under section 131 of chapter  
339 140; or (ix) the officer has a sustained complaint of misconduct based upon conduct consisting

340 of: (A) use of deadly force in violation of chapter 147A; (B) use of force in violation of said  
341 chapter 147A resulting in serious bodily injury as defined section 13K of chapter 265; (C) failing  
342 to intercede to prevent the use of unreasonable force in violation of section 3 of said chapter  
343 147A; (D) conduct that would constitute a hate crime, as defined in said section 32 of said  
344 chapter 22C; (E) intimidation of a witness, as defined in section 13B of chapter 268; (F)  
345 tampering with a record for use in an official proceeding, as defined in section 13E of said  
346 chapter 268; (G) perjury, as defined in section 1 of chapter 268; or (H) filing a written police  
347 report containing a false statement, knowing the statement to be materially false.

348 (b) The police officer standards and accreditation committee may revoke an officer's  
349 certification if: (i) the officer has been convicted of a misdemeanor; or (ii) the officer has  
350 repeated sustained complaints of misconduct, for the same or different offenses.

351 (c) The police officer standards and accreditation committee shall conduct revocation  
352 proceedings and hearings and promulgate regulations for such proceedings and hearings in  
353 accordance with chapter 30A.

354 (d) A revocation hearing shall take place before the police officer standards and  
355 accreditation committee as a whole or before a hearing panel made up of members of the police  
356 officer standards and accreditation committee, the membership of which shall be approved by a  
357 vote of the police officer standards and accreditation committee. The law enforcement officer  
358 shall have the right to be present with counsel at any revocation proceeding and to be heard. In  
359 cases in which the police officer standards and accreditation committee has investigated the  
360 complaint, the police officer standards and accreditation committee may consolidate a hearing on

361 the complaint conducted pursuant to subsection (d) of section 224 with the hearing on  
362 revocation.

363 (e) The police officer standards and accreditation committee shall revoke a certification  
364 upon a finding by a preponderance of the evidence, by majority vote of the hearing panel, of any  
365 grounds set forth in clauses (i) to (ix), inclusive, of subsection (a). A decision under this  
366 subsection shall be appealable pursuant to chapter 30A.

367 (f) The police officer standards and accreditation committee may revoke or suspend a  
368 certification or issue a reprimand, upon a finding by a preponderance of the evidence, by  
369 majority vote of the hearing panel, of any grounds set forth in subsection (b) and there is good  
370 cause to revoke or suspend a certification or to issue a reprimand. The police officer standards  
371 and accreditation committee may set conditions including the completion of additional training if  
372 a certification is suspended or a reprimand is issued. Any decision under this subsection shall be  
373 appealable pursuant to chapter 30A.

374 (g) An adverse action taken against a certification by the police officer standards and  
375 accreditation committee pursuant to this section shall not be appealable to the civil service  
376 commission under chapter 31. An employment action taken by an appointing authority that  
377 results from a revocation by the committee pursuant to subsection (a) shall not be appealable to  
378 the civil service commission under chapter 31.

379 (h) The police officer standards and accreditation committee shall publish any revocation  
380 and findings. The committee shall provide revocation information to the National Decertification  
381 Index. An officer shall not be eligible for certification after the officer's certification has been  
382 revoked pursuant to this section.

383 SECTION 7. Section 18 of chapter 6A of the General Laws, as appearing in the 2018  
384 Official Edition, is hereby amended by inserting after the word “committee,” in line 4, the  
385 following words:- ; the police officer standards and accreditation committee.

386 SECTION 8. Section 18½ of said chapter 6A, as so appearing, is hereby amended by  
387 inserting after the word “committee,” in line 9, the following words:- the police officer  
388 standards and accreditation committee.

389 SECTION 9. Chapter 12 of the General Laws is hereby amended by inserting after  
390 section 11H the following section:

391 Section 11H½. (a) A governmental authority, or an agent thereof acting on behalf of a  
392 governmental authority, shall not engage in a pattern or practice of: (i) conduct by a law  
393 enforcement officer that deprives persons of rights secured by the constitution or laws of the  
394 United States or the constitution or laws of the commonwealth; or (ii) discrimination on the basis  
395 of race, color, religious creed, national origin, ancestry, sex, gender identity, sexual orientation or  
396 disability.

397 (b) If the attorney general has reasonable cause to believe that a violation of subsection  
398 (a) has occurred, the attorney general may bring a civil action for injunctive or other appropriate  
399 equitable and declaratory relief to eliminate the pattern or practice. The civil action shall be  
400 brought in the name of the commonwealth and shall be instituted either in the superior court for  
401 the county in which the alleged conduct occurred or in the superior court for Suffolk county.

402 (c) In a civil action brought under subsection (b), the attorney general may require by  
403 subpoena: (i) the production of all information, documents, reports, answers, records, accounts,  
404 papers, video or audio recordings and other data in any medium, including electronically stored

405 information and any tangible thing and documentary evidence; and (ii) the attendance and  
406 testimony of witnesses necessary in the performance of the attorney general under said  
407 subsection (b). The subpoena, in the case of a refusal to obey, shall be enforceable by court  
408 order.

409 SECTION 10. Said chapter 12 is hereby further amended by striking out section 11I, as  
410 appearing in the 2018 Official Edition, and inserting in place thereof the following section: -

411 Section 11I. (a) A person whose exercise or enjoyment of rights secured by the  
412 constitution or laws of the United States or the constitution or laws of the commonwealth has  
413 been interfered with, or attempted to be interfered with, as described in section 11H may  
414 institute and prosecute in their own name and on their own behalf a civil action for injunctive  
415 and other appropriate equitable relief as provided for in said section 11H, including the award of  
416 compensatory money damages. A person who prevails in an action authorized by this subsection  
417 shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an  
418 amount to be determined by the court.

419 (b) A person whose exercise or enjoyment of rights secured by the constitution or laws of  
420 the United States or the constitution or laws of the commonwealth has been interfered with by a  
421 person or entity acting under color of any statute, ordinance, regulation, custom or usage of the  
422 commonwealth or, or a subdivisions thereof, may institute and prosecute in their own name and  
423 on their own behalf a civil action for injunctive and other appropriate relief, including the award  
424 of compensatory monetary damages. An action under this subsection shall be instituted either in  
425 the superior court for the county in which the conduct complained of occurred or in the superior  
426 court for the county in which the person or entity whose conduct complained of resides or has a

427 principal place of business. A person who prevails by obtaining significant relief after the filing  
428 of an action under this subsection shall be entitled to an award of the costs of litigation and  
429 reasonable attorneys' fees in an amount to be determined by the court.

430 (c) In an action under this section, qualified immunity shall not apply to claims for  
431 monetary damages except upon a finding that, at the time the conduct complained of occurred,  
432 no reasonable defendant could have had reason to believe that such conduct would violate the  
433 law.

434 SECTION 11. Section 11J of said chapter 12, as so appearing, is hereby amended by  
435 striking out, in lines 1 and 2, 16 and 34 and 35, each time they appear, the words "eleven H or  
436 eleven I" and inserting in place thereof, in each instance, the words:- 11H or subsection (a) of  
437 section 11I.

438 SECTION 12. Said section 11J of said chapter 12, as so appearing, is hereby further  
439 amended by striking out, in line 30, the words "eleven H" and inserting in place thereof the  
440 following figure:- 11H.

441 SECTION 13. Section 25 of chapter 19 of the General Laws, as so appearing, is hereby  
442 amended by striking out, in line 2, the word "police" and inserting in place thereof the following  
443 words:- responsive.

444 SECTION 14. Paragraph (1) of subsection (c) of said section 25 of said chapter 19, as so  
445 appearing, is hereby amended by striking out clauses (vi) and (vii) and inserting in place thereof  
446 the following 3 clauses:- (vi) assist municipal police departments to cover backfill costs incurred  
447 in sending staff to training; provided, however, that reimbursement shall not exceed the actual  
448 cost of the sending department's backfill; (vii) promote the use and adequate resourcing of

449 trained community-based crisis response resources to assist residents when an exclusive police  
450 response is not best suited to address the concerns raised or is inappropriate or unnecessary; and  
451 (viii) stipulate that each municipal police department receiving reimbursement provide  
452 information necessary for the center to evaluate the goals described in paragraph (3), including  
453 the percentage of the municipality's police sergeants, lieutenants and other officers who directly  
454 oversee patrol officers who have received the center's recommended training and the percentage  
455 of the municipality's patrol officers who have received the center's recommended training.

456 SECTION 15. Paragraph (2) of said subsection (c) of said section 25 of said chapter 19,  
457 as so appearing, is hereby amended by striking out clauses (v) and (vi) and inserting in place  
458 thereof the following 3 clauses:- (v) best practices, including efforts to prioritize de-escalation  
459 tactics and techniques in crisis response situation; (vi) institutional and structural racism, implicit  
460 bias and the history, legacy and impact of racism in the United States; and (vii) community  
461 policing principles.

462 SECTION 16. Said section 25 of said chapter 19, is hereby further amended by striking  
463 out subsection (e), as so appearing, and inserting in place thereof the following subsection:-

464 (e) There shall be a community policing and behavioral health advisory council. The  
465 council shall consist of: the secretary of health and human services or the secretary's designee,  
466 who shall serve as co-chair of the council; the secretary of public safety and security or the  
467 secretary's designee, who shall serve as co-chair of the council; the commissioner of mental  
468 health or the commissioner's designee; the commissioner of public health or the commissioner's  
469 designee; a person appointed by the office of the child advocate; the colonel of the state police or  
470 the colonel's designee; the commissioner of the Massachusetts bay transportation authority

471 police force or the commissioner’s designee; the executive director of the municipal police  
472 training committee; the executive director of the police officer standards and accreditation  
473 committee or the executive director's designee; a representative of a campus police organization  
474 appointed by the secretary of public safety and security; a municipal police chief or commanding  
475 officer appointed by the Massachusetts Chiefs of Police Association Incorporated; 1 member  
476 appointed by the National Association of Social Workers, Inc.; 1 member appointed by the  
477 Massachusetts Organization for Addiction Recovery, Inc.; 1 member appointed by the National  
478 Alliance on Mental Illness of Massachusetts, Inc.; 1 member appointed by the Massachusetts  
479 Association for Mental Health, Inc.; 1 member appointed by the Association for Behavioral  
480 Healthcare, Inc.; and 3 members appointed by the secretary of health and human services, 1 of  
481 whom shall be a person with experience or expertise with the Massachusetts emergency response  
482 system, 1 of whom shall be a person with experience or expertise with domestic violence and 1  
483 of whom shall be a person with expertise in non-police crisis response nominated by the chair of  
484 the Black and Latino Legislative Caucus. Members of the council shall be appointed for terms of  
485 3 years and may be reappointed for consecutive 3–year terms. Each member shall be reimbursed  
486 by the commonwealth for all expenses incurred in the performance of their official duties. The  
487 council shall advise the chairs in directing the activities of the center consistent with subsection  
488 (c) and shall receive ongoing reports from the center concerning its activities. The council shall  
489 solicit public comment in the area of community policing and behavioral health and may  
490 convene public hearings throughout the commonwealth. The council shall hold not less than 2  
491 meetings per year and may convene special meetings at the call of the chair or a majority of the  
492 council.



493 SECTION 17. Section 3 of chapter 22C of the General Laws, as so appearing, is hereby  
494 amended by striking out, in lines 6 and 7, each time it appears, the word “he” and inserting in  
495 place thereof, in each instance, the following words:- the colonel.

496 SECTION 18. Said section 3 of said chapter 22C, as so appearing, is hereby further  
497 amended by striking out the second paragraph and inserting in place thereof the following  
498 paragraph:-

499 The governor, upon the recommendation of the secretary of public safety and security,  
500 shall appoint the colonel, who shall be qualified by training and experience to direct the work of  
501 the department. At the time of appointment, the colonel shall have not less than 10 years of full-  
502 time experience as a sworn law enforcement officer and not less than 5 years of full-time  
503 experience in a senior administrative or supervisory position in a police force or a military body  
504 with law enforcement responsibilities. The appointment shall constitute an appointment as a  
505 uniformed member of the department and shall qualify the colonel to exercise all powers granted  
506 to a uniformed member under this chapter. The colonel shall serve at the pleasure of the  
507 governor and shall devote their fulltime during business hours to the duties of the office.

508 SECTION 19. Section 10 of said chapter 22C, as so appearing, is hereby amended by  
509 striking out, in line 27, the words “reached his twenty-first birthday” and inserting in place  
510 thereof the following words:- attained the age of 21.

511 SECTION 20. Said section 10 of said chapter 22C, as so appearing, is hereby further  
512 amended by striking out, in line 30, the words “he has reached his thirty-fifth birthday” and  
513 inserting in place thereof the following words:- the person has attained the age of 35.

514 SECTION 21. Said section 10 of said chapter 22C, as so appearing, is hereby further  
515 amended by striking out the third paragraph and inserting in place thereof the following  
516 paragraph:-

517 A person shall not be enlisted as a uniformed member of the state police except in  
518 accordance with this section and section 11; provided, however, that other than for an  
519 appointment made pursuant to section 3, a person employed as a police officer for an agency  
520 other than the department of state police, including, but not limited to, an agency of the  
521 commonwealth or any political subdivision of the commonwealth, shall not be allowed to  
522 transfer into a position as a uniformed member of the state police.

523 SECTION 22. Said section 10 of said chapter 22C, as so appearing, is hereby further  
524 amended by striking out, in lines 3, 40, 52, 54, 61, 63 and 65, each time it appears, the word “he”  
525 and inserting in place thereof, in each instance, the following words:- such officer.

526 SECTION 23. Said section 10 of said chapter 22C, as so appearing, is hereby further  
527 amended by striking out, in lines 66 and 71, each time it appears, the word “his” and inserting in  
528 place thereof, in each instance, the following words:- such officer’s.

529 SECTION 24. Said chapter 22C is hereby further amended by inserting after section 10  
530 the following section:-

531 Section 10A. The colonel may establish a cadet program within the department and may  
532 admit as a state police cadet, for a period of full-time on the job training, a citizen resident in the  
533 commonwealth who: (i) is not less than 19 years of age and not more than 25 years of age; (ii)  
534 would otherwise be found suitable for appointment for initial enlistment as a uniformed member  
535 of the state police pursuant to sections 10, 11 and 14, with the exception of the physical fitness

536 standards therein; (iii) has passed a qualifying physical fitness examination, as determined by the  
537 colonel; and (iv) has passed a qualifying examination, as determined by the colonel.

538         The qualifying examination shall be conducted under the direction of the colonel who  
539 shall, after consultation with the personnel administrator, determine its form, method and subject  
540 matter. The qualifying examination shall fairly test the applicant's knowledge, skills and abilities  
541 that can be fairly and reliably measured and that are actually required to perform the primary or  
542 dominant duties of the position of state police cadet.

543         A person who has attained the age of 19 on or before the final date for the filing of  
544 applications for the state police cadet program shall be eligible to take the qualifying  
545 examination for the state police cadet program. A person who has attained the age of 26 on or  
546 before the final date for the filing of applications for the state police cadet program shall not be  
547 eligible to take the qualifying examination for the state police cadet program.

548         Admission as a state police cadet shall not be subject to the civil service law or rules, and  
549 a state police cadet shall not be entitled to any benefits of such law or rules. The colonel shall  
550 immediately report, in writing, any admission as a state police cadet made pursuant to this  
551 section to the secretary of public safety and the personnel administrator. Admission shall be for a  
552 term of service of not less than 12 months as determined by the department and may be  
553 terminated at any time. A state police cadet's term of service shall be terminated if the state  
554 police cadet fails to maintain a passing grade in any course of study required by the colonel. A  
555 state police cadet shall be required to meet the physical fitness standards required for  
556 appointment for initial enlistment as a uniformed member of the state police within 12 months of  
557 the state police cadet's admission to the state police cadet program. A state police cadet shall be

558 an at-will employee. A state police cadet shall receive such compensation and such leave with  
559 pay as the colonel shall determine in consultation with the personnel administrator. The colonel  
560 shall establish requirements for successful completion of the state police cadet program.

561 The colonel shall determine the duties and responsibilities of state police cadets. A state  
562 police cadet shall not carry arms and shall not have any power of arrest other than that of an  
563 ordinary citizen. A state police cadet shall be considered an employee of the commonwealth for  
564 the purposes of workers' compensation.

565 While participating in the state police cadet program, a state police cadet shall not be  
566 subject to or entitled to the benefits of any retirement or pension law, nor shall any deduction be  
567 made from a state police cadet's compensation for the purpose thereof; provided, however, that a  
568 state police cadet who successfully completes the state police cadet program and is appointed to  
569 the department of state police pursuant to section 11 shall have any state police cadet service  
570 considered as creditable service, as defined in section 1 of chapter 32, for purposes of retirement  
571 if the state police cadet pays into the annuity savings fund of the retirement system not later than  
572 1 year after appointment to the department of state police, such amount as the retirement board  
573 determines equal to that which the state police cadet would have paid had the state police cadet  
574 been a member of the retirement system during the period of training as a state police cadet.

575 SECTION 25. Section 11 of said chapter 22C, as so appearing, is hereby amended by  
576 striking out the first sentence and inserting in place thereof the following sentence:- An  
577 appointment for initial enlistment as a uniformed member of the state police shall be made from  
578 a list established as the result of a competitive examination conducted under the direction of the

579 colonel who shall, in consultation with the personnel administrator, determine its form, method  
580 and subject matter.

581 SECTION 26. Said section 11 of said chapter 22C, as so appearing, is hereby further  
582 amended by striking out, in lines 19 and 20, each time it appears, the word “his”, and inserting in  
583 place thereof, in each instance, the following words:- the uniformed member’s.

584 SECTION 27. Said section 11 of said chapter 22C, as so appearing, is hereby further  
585 amended by inserting after the third paragraph the following paragraph:-

586 Notwithstanding any provision of this section to the contrary, the colonel may appoint for  
587 initial enlistment as a uniformed member of the state police any person who has successfully  
588 completed the state police cadet program pursuant to section 10A and who is willing to accept  
589 such appointment. Appointment for initial enlistment as a uniformed member of the state police  
590 under this paragraph shall terminate that person’s admission as a state police cadet. Not more  
591 than 1/3 of the total number of appointments to the state police in any single recruit training  
592 troop shall be made pursuant to this paragraph. The colonel shall immediately report, in writing,  
593 any appointment made pursuant to this paragraph to the personnel administrator.

594 SECTION 28. Said chapter 22C is hereby further amended by striking out section 13, as  
595 so appearing, and inserting in place thereof the following section:-

596 Section 13. (a) A uniformed member of the state police who has served for at least 1 year  
597 and against whom charges have been preferred shall be tried by a board to be appointed by the  
598 colonel or, at the request of the officer, a board consisting of the colonel. A person aggrieved by  
599 the finding of the trial board under this subsection may appeal the decision of the trial board  
600 under sections 41 to 45, inclusive, of chapter 31. A uniformed officer of the state police who has

601 been dismissed from the state police force after a trial under this subsection, or who resigns  
602 while charges to be tried by a trial board are pending against the uniformed officer, shall not be  
603 reinstated by the colonel.

604 (b) Notwithstanding subsection (a), the colonel may administratively suspend without  
605 pay a uniformed member who has served for at least 1 year if: (i) the uniformed member had a  
606 criminal complaint or indictment issued against them; (ii) the department has referred the  
607 uniformed member to a prosecutorial agency for review for prosecution; or (iii) there are  
608 reasonable grounds to believe that the uniformed member has engaged in misconduct in the  
609 performance of the uniformed member's duties that violates the public trust.

610 Prior to such administrative suspension, the department shall provide the uniformed  
611 member notice of, and the underlying factual basis for, the administrative suspension. After such  
612 notice, the colonel or the colonel's designee shall hold a departmental hearing at which the  
613 uniformed member shall have an opportunity to respond to the allegations. Following the  
614 departmental hearing and upon a finding that there are reasonable grounds for such  
615 administrative suspension without pay, the colonel may administratively suspend without pay  
616 such uniformed member immediately. The administrative suspension without pay shall not be  
617 appealable under sections 41 to 45, inclusive, of chapter 31; provided, however, that the  
618 administrative suspension without pay may be appealed as provided in section 43.

619 A uniformed member who is administratively suspended without pay pursuant to this  
620 section may seek a review by the colonel or the colonel's designee of the administrative  
621 suspension without pay after 1 year from the date of the administrative suspension and every  
622 year thereafter, or sooner if the uniformed member can demonstrate a material change in

623 circumstances. The decision of the colonel or the colonel's designee after such review may be  
624 appealed under said sections 41 to 45, inclusive, of said chapter 31.

625 (c) Notwithstanding subsection (a), the colonel may impose on a uniformed member who  
626 has served at least 1 year any permanent discipline that does not involve a suspension of pay,  
627 loss of accrued vacation time, loss of rank or seniority or termination without provision for a trial  
628 by a trial board under said subsection (a). Prior to imposing such discipline, the department shall  
629 provide the uniformed member notice of, and the underlying factual basis for, the discipline.  
630 After such notice, the colonel or the colonel's designee shall hold a departmental hearing at  
631 which the uniformed member shall have an opportunity to respond to the allegations. Following  
632 the departmental hearing and upon a finding that there are reasonable grounds for discipline, the  
633 colonel may impose such discipline immediately.

634 An order imposing discipline pursuant to this subsection shall not be appealable under  
635 sections 41 to 45, inclusive, of chapter 31; provided, however, that such order may be appealed  
636 as provided in section 43.

637 SECTION 29. Section 20 of said chapter 22C, as so appearing, is hereby amended by  
638 striking out the first sentence and inserting in place thereof the following 2 sentences: - The  
639 colonel shall prescribe a training program for persons who shall be enlisted for the first time in  
640 the department. No person, except the colonel, shall exercise police powers as a uniformed  
641 member of the department until they have been assigned to and satisfactorily completed the  
642 training program.

643 SECTION 30. Said section 20 of said chapter 22C, as so appearing, is hereby further  
644 amended by adding the following sentence:- Training prescribed under this section shall include

645 or be equivalent to the training mandated for officers by sections 116A to 116E, inclusive, 116G  
646 and 116H of chapter 6, section 36C of chapter 40, section 97B of chapter 41 and section 24M of  
647 chapter 90.

648 SECTION 31. Section 23 of said chapter 22C, as so appearing, is hereby amended by  
649 striking out, in line 8, the word “appointments” and inserting in place thereof the following  
650 words:- admissions, appointments.

651 SECTION 32. Said section 23 of said chapter 22C, as so appearing, is hereby further  
652 amended by striking out, in line 10, the word “uniformed” and inserting in place thereof the  
653 following words:- cadets, uniformed.

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

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

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



667 number of possible points to be earned on the examination, multiplied by 100, plus 2, multiplied  
668 by 0.75.

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

672 (d) Promotional examinations shall be open to a uniformed member who is a: (i)  
673 noncommissioned officer who has completed not less than 5 years of service as a uniformed  
674 member immediately before the final date for the filing of applications for such examination and  
675 who has completed, in the immediately preceding year, 1 full year of service in the next lower  
676 rank or title; (ii) lieutenant who has completed at least 1 year of service in the next lower rank or  
677 title immediately before the final date for the filing of applications for such examination and who  
678 has completed not less than 8 years of service as a uniformed member prior to the final date for  
679 filing applications for such examination; or (iii) a captain who has completed at least 1 year of  
680 service in the next lower rank or title immediately before the final date for the filing of  
681 applications for such examination and who has completed not less than 12 years of service as a  
682 uniformed member prior to the final date for filing applications for such examination.

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

687 (2) A lieutenant shall be granted 1 longevity point for each full month of service since  
688 appointment to the department, up to a maximum of 180 months, computed as of the final date

689 for the filing of applications for such promotion. The member's longevity score shall be the total  
690 longevity points granted divided by 180, multiplied by 25.

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

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

707 SECTION 34. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby  
708 amended by inserting after the definition of "Direct debt" the following definition:-

709 "Federal agency", a federal military, law enforcement or intelligence agency, department  
710 or division.

711 SECTION 35. Said section 1 of said chapter 29, as so appearing, is hereby further  
712 amended by inserting after the definition of “Fund” the following definition:-

713 "Law enforcement agency", (i) an agency employing a law enforcement officer as  
714 defined in section 220 of chapter 6; (ii) a sheriff’s department; (iii) a harbormaster; (iv) a state or  
715 county correctional facility or lockup; or (v) a regional law enforcement council, cooperative or  
716 other joint task force or entity with authority to enforce the laws of the commonwealth.

717 SECTION 36. Said section 1 of said chapter 29, as so appearing, is hereby further  
718 amended by inserting after the definition of “Line-item” the following 2 definitions:-

719 “Local legislative body”, the town meeting for the purposes of a town system, the city  
720 council subject to the provisions of its charter in a city system, the district meeting in a district  
721 system, the county commissioners in a county system, and the governing body of the authority in  
722 an authority system.

723 "Military grade controlled property”, equipment, articles, services and related technical  
724 data as enumerated in the United State munitions list under 22 C.F.R. 121.1 or the department of  
725 commerce control list under 15 C.F.R. 774.

726 SECTION 37. Clause (3) of subsection (a) of section 6B of said chapter 29, as so  
727 appearing, is hereby amended by striking out subclauses (ii) and (iii) and inserting in place  
728 thereof the following 3 subclauses:-

729 (ii) the estimated amount of cash match, in-kind match or other monies to be supplied by  
730 the state and any other source from which such match will be required, and a description of the  
731 federal allocation formula and matching requirements including whether the grant is distributed

732 to the commonwealth on the basis of a federally specified formula or on the basis of the federal  
733 grantor's discretion and a description of the federal constraints placed on the agency's discretion  
734 to use the grant;

735 (iii) the duration of the grant, the number of fiscal years the agency has been receiving  
736 assistance and the number of fiscal years in which assistance can be expected to continue under  
737 the program and a statement as to the priority of the program alongside other state or federally  
738 funded programs, including whether the agency would request that all or part of the program be  
739 funded out of the General Fund in the event federal funds are reduced or discontinued; and

740 (iv) the projected annual maintenance costs of any military grade controlled property  
741 transferred or acquired from a federal agency.

742 SECTION 38. Said section 6B of said chapter 29, as so appearing, is hereby further  
743 amended by adding the following subsection:-

744 (k) The department of state police, the office of law enforcement within the executive  
745 office of environmental affairs or the Massachusetts bay transportation authority police force  
746 shall not apply for military grade controlled property or related funds or for acquisition by  
747 transfer of military grade controlled property from a federal agency unless the department of  
748 state police, the office of law enforcement within the executive office of environmental affairs or  
749 the Massachusetts bay transportation authority police force obtains approval from the secretary  
750 of public safety and security, secretary of energy and environmental affairs or the secretary of  
751 transportation, respectively.

752 SECTION 39. Said chapter 29 is hereby further amended by inserting after section 6B the  
753 following section:-

754 Section 6B½. (a) A local law enforcement agency shall not apply for military grade  
755 controlled property or related funds or for acquisition by transfer of military grade controlled  
756 property from a federal agency unless: (i) the local law enforcement agency provides notice to  
757 the local legislative body of any intended application, including a detailed list of supplies and  
758 equipment sought to be acquired; (ii) the local legislative body advertises and holds a public  
759 hearing regarding the prospective application, during which the public shall be allowed the  
760 opportunity to testify and comment; (iii) the local law enforcement agency has responded in  
761 writing to any questions and matters raised by the local legislative body or residents at such  
762 public hearing; and (iv) the local legislative body votes to approve the intended application,  
763 including the particular supplies and equipment sought to be acquired. The local law  
764 enforcement agency shall include documentation of the local legislative body's approval in its  
765 application.

766 (b) A regional law enforcement council or other multi-jurisdictional law enforcement  
767 agency, including those constituted by entities or representatives from multiple agencies, shall  
768 not apply for military grade controlled property or related funds or for acquisition by transfer of  
769 military grade controlled property from a federal agency unless it has: (i) provided notice to each  
770 of the local legislative bodies for the cities and towns participating in the regional or multi-  
771 jurisdiction law enforcement agency regarding any prospective application; and (ii) obtained  
772 approval from the secretary of public safety and security, who shall take into consideration any  
773 information, comments and recommendations from the local legislative bodies for the cities and  
774 towns participating in the regional or multi-jurisdiction law enforcement agency. The regional  
775 law enforcement council or multi-jurisdiction agency shall include documentation of the  
776 approval of the secretary of public safety and security in its application.

777 (c) A sheriff's department shall not apply for military grade controlled property or related  
778 funds or for acquisition by transfer of military grade controlled property from a federal agency  
779 unless it has obtained approval from the secretary of public safety and security. The sheriff's  
780 department shall include documentation of the approval of the secretary of public safety and  
781 security in its application.

782 SECTION 40. Said chapter 29 is hereby further amended by inserting after section  
783 2CCCCC the following section:-

784 Section 2DDDDD. (a) There shall be a Justice Reinvestment Workforce Development  
785 Fund. There shall be credited to the fund any revenue from appropriations or other monies  
786 authorized by the general court and specifically designated to be credited to the fund and any  
787 gifts, grants, private contributions, investment income earned on the fund's assets and all other  
788 sources. Monies transferred to the fund shall be continuously expended, without regard for fiscal  
789 year, exclusively for carrying out the purposes of this section. Money remaining in the fund at  
790 the end of a fiscal year shall not revert to the General Fund.

791 (b)(1) For the purposes of this section, the term "target population" shall mean any  
792 person who meets not less than 2 of the following characteristics: (i) is under 25 years of age; (ii)  
793 is a victim of violence; (iii) is over 18 years of age and does not have a high school diploma; (iv)  
794 has been convicted of a felony; (v) has been unemployed or has had family income below 250  
795 per cent of the federal poverty level for not less than 6 months; or (vi) lives in a census tract  
796 where over 20 per cent of the population fall below the federal poverty line.

797 (2) There shall be a board of directors for the fund to consist of 13 members to be  
798 appointed by the secretary of housing and economic development, with the approval of the

799 governor. The board of directors shall consist of not less than 6 individuals who are, or have  
800 been, members of the target population and a combination of appointees with professional case  
801 management experience, entrepreneurial or business management experience, professional youth  
802 development experience, experience providing professional or vocational training or experience  
803 in labor market analysis. The members shall elect a chair and shall meet not less than bi-  
804 annually. Members shall serve without compensation but shall be reimbursed by the fund for  
805 expenses necessarily incurred in the performance of their duties. Upon notification by the chair  
806 that a vacancy exists, the secretary of housing and economic development shall appoint, with the  
807 approval of the governor, another member to fill the unexpired term.

808 (3) The executive office of housing and economic development shall provide staff  
809 support to the board of directors. The total expenditure from the fund for administration,  
810 including salaries and benefits of supporting staff, shall not exceed 5 per cent of the total amount  
811 disbursed by the fund in any given fiscal year.

812 (c) (1) Concurrent with the submission of the governor's annual budget, the department  
813 of correction shall publish on its website a breakdown of its prior fiscal year spending by  
814 functional category, including, but not limited to, food, medical expenses, facility maintenance,  
815 administrative costs, correctional personnel, rehabilitative programming, re-entry programming.  
816 The department of correction shall also publish a breakdown of its budget for the upcoming  
817 fiscal year as reflected in the governor's annual budget proposal by the same categories and the  
818 governor's office shall include a link to this data on its budget website.

819 Annually, the executive office of public safety and security shall calculate the aggregate  
820 annual population of inmates in state correctional facilities and the houses of correction and

821 calculate the average marginal cost rate per inmate among the department of correction and the  
822 houses of correction based on the actual marginal cost rates used by the department of correction  
823 and the houses of correction for their budgeting purposes. The executive office of public safety  
824 and security shall publish this data on its website.

825 (2) Annually, the secretary of housing and economic development shall determine the  
826 difference between the combined population of the department of correction and the houses of  
827 correction in fiscal year 2019 multiplied by the rate of total population growth of the  
828 commonwealth since fiscal year 2019 and the actual combined population of the department of  
829 correction and the houses of correction in that year. The secretary shall multiply the difference  
830 by the average marginal cost rate per inmate. Annually, not later than October, the secretary shall  
831 report this calculation to the clerks of the senate and house of representatives, the senate and  
832 house committees on ways and means and the secretary of administration and finance.

833 (3) An amount equal to not more than one half of the product of the calculation in  
834 paragraph (2), but not more than \$10,000,000, shall be transferred, subject to appropriation, to  
835 the fund annually.

836 (d) Money in the fund shall be competitively granted to develop and strengthen  
837 communities with a high percentage of individuals in the target population by creating  
838 opportunities for job training, job creation and job placement for those who face high barriers to  
839 employment.

840 (e) Eligible grant recipients shall exhibit a model of creating employment opportunities  
841 for members of the target population or, in the case of programs serving a target population aged  
842 20 years and under, demonstrate a model of building the skills necessary for future employment



843 within such population. Models shall be supported by research and evaluation and may include  
844 transitional employment programs, social enterprise, pre-apprenticeship or other training  
845 programs, school-based or community-based high school dropout prevention and re-engagement  
846 programs, cooperative and small business development programs and community-based  
847 workforce development programs. Components of a successful program may include, but shall  
848 not be not limited to, job training in both soft skills and skills identified as lacking in growth  
849 industries, stipends or wage subsidies, serving as employer of record with private employers,  
850 case management, cognitive behavioral therapy and supports such as child care vouchers or  
851 transportation assistance. The fund may give priority to programs that include access to housing  
852 stabilization services, addiction treatment and trauma-informed mental health care as relevant to  
853 the fund's mission, but such services by themselves shall not be eligible for monies from the  
854 fund. Training programs that do not include a strong presumption of full employment by a  
855 specific employer or entry into a bona fide apprenticeship program recognized by the  
856 commonwealth upon successful completion by each participant shall not be eligible for funding;  
857 provided, however, that high school dropout prevention and re-engagement programs shall not  
858 need to include such a presumption.

859 (f) Not less than once every 5 years, the board shall review and, if appropriate,  
860 recommend to the legislature changes to the eligibility criteria of the fund, including the services  
861 provided by grant applicants.

862 (g) Annually, not later than October 1, the board shall provide a report of the grants given  
863 and a breakdown of expenditures made by the fund. The report shall be posted on the website of  
864 the executive office of housing and economic development.

865 SECTION 41. Section 2 of chapter 31 of the General Laws, as appearing in the 2018  
866 Official Edition, is hereby amended by striking out, in line 49, the words “eight of chapter thirty-  
867 one A” and inserting in place thereof the following words:- 8 of chapter 31A; provided, however,  
868 that the commission shall not have jurisdiction to hear an appeal of a decision by the police  
869 officer standards and accreditation committee to take adverse action against a law enforcement  
870 officer under subsections (e) or subsection (f) of section 225 of chapter 6.

871 SECTION 42. The first paragraph of section 42 of said chapter 31, as so appearing, is  
872 hereby amended by adding the following sentence:- This section shall not apply to a person who  
873 is the subject of disciplinary action or other employment-related consequences by an appointing  
874 authority, as defined in section 220 of chapter 6, that results from decertification under  
875 subsection (e) or subsection (f) of section 225 of said chapter 6.

876 SECTION 43. Section 43 of said chapter 31, as so appearing, is hereby amended by  
877 adding the following paragraph:- This section shall not apply to a person who is the subject of  
878 disciplinary action or employment-related consequences by an appointing authority, as defined in  
879 section 220 of chapter 6, that results from decertification under subsection (e) or subsection (f) of  
880 section 225 of said chapter 6.

881 SECTION 44. Section 96B of chapter 41 of the General Laws, as so appearing, is hereby  
882 amended by striking out, in lines 24 and 34, the word “his”, each time it appears, and inserting in  
883 place thereof, in each instance, the following words:- the person’s.

884 SECTION 45. Said section 96B of said chapter 41, as so appearing, is hereby further  
885 amended by striking out, in line 30, the words “department of criminal justice training” and  
886 inserting in place thereof the following words:- municipal police training committee.

887 SECTION 46. Said section 96B of said chapter 41, as so appearing, is hereby further  
888 amended by striking out, in line 2, 10, 12 and 32, the word “he” and inserting in place thereof the  
889 following words:- the person.

890 SECTION 47. Said section 96B of said chapter 41, as so appearing, is hereby further  
891 amended by striking out, in lines 39 and 43, the word “his”, each time it appears, and inserting in  
892 place thereof, in each instance, the following words:- the appointed person’s.

893 SECTION 48. Said chapter 41 is hereby further amended by inserting after section 98G  
894 the following section:-

895 Section 98H. An agency employing a law enforcement officer, as defined section 220 of  
896 chapter 6, shall not include or permit the inclusion of a nondisclosure, non-disparagement or  
897 other similar clause in a settlement agreement between the agency and a complainant; provided,  
898 however, that such settlement may include, but not be limited to, a provision that prevents the  
899 agency from disclosing the identity of the complainant and all facts that could lead to the  
900 discovery of the complainant’s identity if such provision is requested and approved by the  
901 complaint.

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

905 School department personnel shall not disclose to a law enforcement officer or agency, or  
906 submit to a database or system designed to track gang affiliation or involvement, any information  
907 from its databases or other record-keeping systems including, but not be limited to: (i)  
908 immigration status; (ii) citizenship; (iii) neighborhood of residence; (iv) religion; (v) national

909 origin; (vi) ethnicity; (vii) native or spoken language; (viii) suspected gang affiliation, unless it is  
910 germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is  
911 otherwise required to report; (ix) participation in school activities, extracurricular activities  
912 outside of school, sports teams or school clubs or organizations; (x) degrees, honors or awards;  
913 and (xi) post-high school plans. Nothing in this paragraph shall prohibit the sharing of  
914 information for the purposes of completing a report pursuant to section 51A of chapter 119 or  
915 filing a weapon report with the local chief of police pursuant to this section.

916 SECTION 50. Section 37P of said chapter 71, as so appearing, is hereby amended by  
917 striking out, in line 13, the words “in consultation with” and inserting in place thereof the  
918 following words:- at the request of.

919 SECTION 51. Said section 37P of said chapter 71, as so appearing, is hereby further  
920 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

921 (c) The department of elementary and secondary education shall collect data on the  
922 number of mental and social emotional health support personnel and the number of school  
923 resource officers employed by each local education agency and shall publish a report of the data  
924 on its website.

925 SECTION 52. Chapter 90 of the General Laws is hereby amended by striking out section  
926 63, as added by section 10 of chapter 122 of the acts of 2019, and inserting in place thereof the  
927 following section:-

928 Section 63. (a) As used in this section, the following words shall have the following  
929 meanings unless the context clearly requires otherwise:

930 “Law enforcement officer”, a law enforcement officer as defined in section 220 of  
931 chapter 6.

932 “Racial or other profiling”, differential treatment by a law enforcement officer based on  
933 actual or perceived race, color, ethnicity, national origin, immigration or citizenship status,  
934 religion, gender, gender identity or sexual orientation in conducting a law enforcement action,  
935 whether intentional or evidenced by statistically-significant data showing disparate treatment;  
936 provided, however, that “racial or other profiling” shall not include the use of such  
937 characteristics, in combination with other factors, to apprehend a specific suspect based on a  
938 description that is individualized, timely and reliable.

939 “Frisk”, a pat-down of a person’s body to locate a weapon or contraband.

940 “Secretary”, the secretary of public safety and security.

941 (b) A law enforcement entity shall not engage in racial or other profiling. The attorney  
942 general may bring a civil action in the superior court for injunctive or other equitable relief to  
943 enforce this subsection.

944 (c) The registry of motor vehicles shall collect data from any issued Massachusetts  
945 Uniform Citation regarding: (i) identifying characteristics of the individuals who receive a  
946 warning or citation or who are arrested, including the age, race and gender of the individual; (ii)  
947 the traffic infraction; (iii) the date and time of the offense and the municipality in which the  
948 offense was committed; (iv) whether a search was initiated as a result of the stop; and (v)  
949 whether the stop resulted in a warning, citation or arrest. The registry of motor vehicles shall  
950 maintain statistical information on the data required by this section and shall report that  
951 information annually to the secretary of public safety and security.

952 (d)(1) If a law enforcement officer stops a vehicle or stops and frisks or searches a  
953 person, regardless of whether the frisk or search was consensual, the law enforcement officer  
954 shall record: (i) reason for the stop; (ii) the date, time and duration of the encounter; (iii) the  
955 street address or approximate location of the encounter; (iv) the number of occupants of the  
956 vehicle, if the incident included a vehicle stop; (v) identifying characteristics of the individuals  
957 who receive a warning or citation or who are arrested, including the age, race, ethnicity and  
958 gender of the individual; (vi) whether any investigatory action was initiated, including a frisk or  
959 a search of an individual or vehicle, and whether any such investigatory action was conducted  
960 with consent; (vii) whether contraband was found or any materials were seized; (viii) whether the  
961 stop resulted in a warning, citation, arrest or no subsequent action; and (ix) the name and badge  
962 number of the officer initiating the stop.

963 (2) The secretary shall create and update as appropriate an instrument to be used by law  
964 enforcement officers to record the statistical data required in this subsection. The secretary shall  
965 give due regard to census figures and definitions when setting forth the race and ethnicity  
966 categories in the instrument; provided, however, that, in all cases, the method of identification of  
967 such data specified by the secretary must be the same across all law enforcement entities.

968 (3) If the law enforcement officer conducting a stop under this subsection does not issue a  
969 citation or warning, the officer shall provide a receipt to the person at the conclusion of the stop.  
970 The receipt shall be a record of the stop and shall include, but not be limited to: (i) the reason for  
971 the stop; (ii) the date, time and duration of the stop; (iii) the street address or approximate  
972 location of the stop; (iv) the name and badge number of the officer initiating the stop; (v)  
973 information about how to register commendations or complaints regarding the incident.

974 (4) Quarterly, each law enforcement agency shall conduct a review of each officer's stop  
975 and search documentation to ensure compliance with this subsection and take appropriate action  
976 to remedy any non-compliance.

977 (5) Annually, each municipal law enforcement department shall: (i) review the entire  
978 department's stop and search data collected under this subsection; (ii) analyze any racial or other  
979 disparities in the data; (iii) submit a report on the data, which shall include an analysis of the  
980 data, to the legislative body of the municipality; and (iv) make the report publicly available on  
981 the website of the municipality.

982 (6) A law enforcement agency shall transmit all data collected pursuant to paragraph (1)  
983 to the executive office of public safety and security at intervals and in a manner to be determined  
984 by the secretary, but not less than semi-annually.

985 (7) An electronic system purchased by a law enforcement agency to issue citations or to  
986 gather, record, report and study information concerning vehicle accidents, violations, traffic or  
987 pedestrian stops or citations, shall be designed to: (i) collect the data required by paragraph (1);  
988 (ii) automatically transmit the data to the executive office of public safety and security; and (iii)  
989 electronically generate citations and police encounter receipts required under paragraph (3).

990 (e) Data or information collected, transmitted or received under this section shall be used  
991 only for statistical purposes and shall not contain information that may reveal the identity of any  
992 individual who is stopped or any law enforcement officer.

993 (f) The secretary shall maintain a standardized process to facilitate data collection for law  
994 enforcement agencies and procedures for law enforcement officials to collect data under this

995 section. The failure of a law enforcement officer to collect such data shall not affect the validity  
996 of the underlying stop.

997 (g) Annually, the secretary shall transmit the necessary data collected by the registry of  
998 motor vehicles under subsection (c) and by the executive office or public safety and security  
999 under paragraph (6) of subsection (d) to a university, non-profit organization or institution,  
1000 whether private or public, in the commonwealth with experience in the analysis of such data for  
1001 annual preparation of an analysis and report of its findings. Upon receipt, the secretary shall  
1002 immediately make the annual analysis and report, including any aggregate analysis of the data,  
1003 publicly available by publishing such annual analysis and report online and shall transmit a copy  
1004 of such annual analysis and report to the attorney general, the department of state police, the  
1005 Massachusetts Chiefs of Police Association Incorporated and the clerks of the senate and house  
1006 of representatives. The secretary shall, in consultation with the attorney general, mandate  
1007 implicit bias training using best practices for a law enforcement agency if the annual analysis and  
1008 report suggest that a law enforcement agency appears to have engaged in racial or other  
1009 profiling.

1010 (h) Notwithstanding any general or special law to the contrary, data collected, transmitted  
1011 or received pursuant to subsections (c), (d) and (g) shall be stored in a properly secured system in  
1012 a cryptographically encrypted form and shall only be provided upon the execution of a written  
1013 confidentiality agreement with the secretary of public safety and security that is protective of  
1014 privacy and prohibits the further distribution of the data; provided, however, that nothing in the  
1015 confidentiality agreement shall prohibit the publication of aggregate analysis of the data.  
1016 Unencrypted data shall not be accessed, copied or otherwise communicated without the active  
1017 concurrence and the express written approval of the secretary. Any processing of the data



1018 collected or received pursuant to this section shall only result in aggregated information that does  
1019 not reveal the identity of any person or law enforcement officer.

1020 (i) The secretary shall publish an annual public report, derived from the data used for the  
1021 annual analysis and report prepared under subsection (g), containing aggregate numbers, listed  
1022 by municipality and law enforcement agency, for the information categories identified in  
1023 subsections (c) and (d); provided, however, that data concerning age shall be aggregated into  
1024 categories for persons aged 29 and younger and aged 30 and older; provided further, that data  
1025 concerning time of day shall be aggregated into categories for offenses committed from 12:01  
1026 am to 6:00 am, from 6:01 am to 12:00 pm, from 12:01 pm to 6:00 pm and from 6:01 pm to 12:00  
1027 am. The secretary shall take reasonable steps to ensure that any information in the report cannot  
1028 be used, directly or indirectly, either alone or together with other information, to identify or  
1029 derive information about any stop made by a particular law enforcement officer or any individual  
1030 involved in a stop made by a law enforcement officer. The secretary shall make the information  
1031 contained in the report available to the public online in machine readable format.

1032 (j) Not later than 30 days following the date on which the annual analysis and report  
1033 under subsection (g) is received by the secretary of public safety and security, the secretary shall  
1034 hold not less than 3 public hearings in different regions of the commonwealth to present the  
1035 annual analysis and report and to accept public testimony regarding the report. The executive  
1036 office of public safety and security shall provide the public with notice not less than 14 days  
1037 before the date of each hearing by publishing the hearing date on the executive office's website  
1038 and any official social media accounts and by providing written notice to the joint committee on  
1039 public safety and security, the joint committee on the judiciary and the clerks of the senate and  
1040 house of representatives.

1041 SECTION 53. Section 1 of chapter 111 of the General Laws, as appearing in the 2018  
1042 Official Edition, is hereby amended by inserting after the definition of “Inland waters” the  
1043 following definition:-

1044 “Law enforcement-related injuries and deaths”, injuries and deaths caused by a law  
1045 enforcement officer or correction officer, whether employed by the commonwealth, a county, a  
1046 municipality or other public or private entity, and occupational fatalities of a law enforcement  
1047 officer or correction officer.

1048 SECTION 54. Said chapter 111 is hereby further amended by inserting after section 6D  
1049 the following section:-

1050 Section 6E. The department shall collect and report data on law enforcement-related  
1051 injuries and deaths. The commissioner shall promulgate regulations necessary to implement this  
1052 section including, but not limited to, protocols and procedures for the reporting of law  
1053 enforcement-related injuries and deaths to the department by physicians and other licensed health  
1054 care professionals.

1055 SECTION 55. The General Laws are hereby amended by inserting after chapter 147 the  
1056 following chapter:-

1057 CHAPTER 147A.

1058 REGULATION OF PHYSICAL FORCE BY LAW ENFORCEMENT OFFICERS.

1059 Section 1. As used in this chapter, the following words shall have the following meanings  
1060 unless the context clearly requires otherwise:

1061 “Choke hold”, the use of a lateral vascular neck restraint, carotid restraint or other action  
1062 that involves the placement of any part of law enforcement officer’s body on or around a  
1063 person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or  
1064 with the result of causing unconsciousness or death.

1065 “Deadly physical force”, physical force that can be reasonably expected to cause death or  
1066 serious physical injury.

1067 “De-escalation tactics and techniques”, proactive actions and approaches used by a law  
1068 enforcement officer to stabilize a situation so that more time, options and resources are available  
1069 to gain a person’s voluntary compliance and to reduce or eliminate the need to use force,  
1070 including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident,  
1071 waiting out a person, creating distance between the law enforcement officer and a threat and  
1072 requesting additional resources to resolve the incident including, but not limited to, calling in  
1073 medical or mental health professionals to address a potential medical or mental health crisis.

1074 “Imminent harm”, serious physical injury or death that is likely to be caused by a person  
1075 with the present ability, opportunity and apparent intent to immediately cause serious physical  
1076 injury or death and is a risk that, based on the information available at the time, must be instantly  
1077 confronted and addressed to prevent serious physical injury or death; provided, however, that  
1078 “imminent harm” shall not include fear of future serious physical injury or death, .

1079 “Law enforcement officer”, a law enforcement officer as defined in section 220 of  
1080 chapter 6.

1081 “Necessary”, required due to a lack of an available, effective alternative that was known  
1082 or should have been known to a reasonable person in the circumstances.

1083 “Totality of the circumstances”, the entire duration of an interaction between a law  
1084 enforcement officer and a person, from the first contact through the conclusion of the incident,  
1085 including consideration of contextual factors the law enforcement officer knew or should have  
1086 known during such interaction.

1087 Section 2. (a) All persons in the commonwealth shall have a right, including for purposes  
1088 of sections 11H and 11I of chapter 12, against the use of force prohibited by this section. A  
1089 violation of this section shall be a per se violation of said sections 11H and 11I of said chapter  
1090 12.

1091 (b) A law enforcement officer shall not use physical force upon another person unless de-  
1092 escalation tactics have been attempted and failed or are not feasible based on the totality of the  
1093 circumstances and such force is necessary to: (i) effect the lawful arrest of a person; (ii) prevent  
1094 the escape from custody of a person; or (iii) prevent imminent harm and the amount of force  
1095 used is proportional to the threat of imminent harm.

1096 (c) A law enforcement officer shall not use deadly physical force upon a person unless  
1097 de-escalation tactics have been attempted and failed or are not feasible based on the totality of  
1098 the circumstances and such force is necessary to prevent imminent harm to a person and the  
1099 amount of force used is proportional to the threat of imminent harm.

1100 (d) A law enforcement officer shall not use a choke hold. A law enforcement officer shall  
1101 not be trained to use a lateral vascular neck restraint, carotid restraint or other action that  
1102 involves the placement of any part of law enforcement officer’s body on or around a person’s  
1103 neck in a manner that limits the person’s breathing or blood flow.

1104 (e) A law enforcement officer shall not discharge any firearm into or at a fleeing motor  
1105 vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent  
1106 imminent harm to a person and the discharge is proportional to the threat of imminent harm to a  
1107 person. For purposes of this subsection, use of the vehicle itself shall not constitute imminent  
1108 harm.

1109 (f) A law enforcement officer shall not discharge tear gas or any other chemical weapon,  
1110 discharge rubber pellets from a propulsion device or release a dog to control or influence a  
1111 person's behavior unless: (i) de-escalation tactics have been attempted and failed or are not  
1112 feasible based on the totality of the circumstances; and (ii) the measures used are necessary to  
1113 prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical  
1114 weapon, rubber pellets or dog is proportionate to the threat of imminent harm. If a law  
1115 enforcement officer utilizes tear gas or any other chemical weapon, rubber pellets or a dog  
1116 against a crowd, the law enforcement officer's appointing agency shall file a report with the  
1117 police officer standards and accreditation committee detailing all measures that were taken in  
1118 advance of the event to reduce the probability of disorder and all measures that were taken at the  
1119 time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other  
1120 chemical weapon, rubber pellets or dog. The police officer standards and accreditation  
1121 committee shall review the report and may make any additional investigation. After such review  
1122 and investigation the police officer standards and accreditation committee shall, if applicable,  
1123 make a finding as to whether the pre-event and contemporaneous de-escalation efforts were  
1124 adequate and whether the use of such tear gas or other chemical weapon, rubber pellets or dog  
1125 was justified.

1126           Section 3. (a) An officer present and observing another officer using physical force,  
1127 including deadly physical force, beyond that which is necessary or objectively reasonable based  
1128 on the totality of the circumstances, shall intervene to prevent the use of unreasonable force  
1129 unless intervening would result in imminent harm to the officer or another identifiable  
1130 individual.

1131           (b) An officer who observes another officer using physical force, including deadly  
1132 physical force, beyond that which is necessary or objectively reasonable based on the totality of  
1133 the circumstances shall report the incident to their direct supervisor as soon as reasonably  
1134 possible but not later than the end of the officer's shift. The officer shall prepare a detailed  
1135 written statement describing the incident consistent with uniform protocols. The officer's written  
1136 statement shall be included in the supervisor's report.

1137           (c) Any person in the commonwealth shall have a right to the intervention of officers in  
1138 the circumstances described in this section. An officer who has a duty to intervene and fails to do  
1139 so may be held liable under sections 11H and 11I of chapter 12 jointly and severally with any  
1140 officer who used unreasonable force for any injuries or death caused by such officer's  
1141 unreasonable use of force.

1142           Section 4. The police officer standards and accreditation committee established in section  
1143 221 of chapter 6 shall promulgate detailed use of force regulations to implement this chapter.

1144           SECTION 56. Chapter 231 of the General Laws is hereby amended by inserting after  
1145 section 85AA the following section:-

1146 Section 85BB. (a) For purposes of this section, a “police officer” shall mean a police  
1147 officer employed by a state agency or state authority, as those terms are defined in section 1 of  
1148 chapter 29, or by a city or town.

1149 (b) A police officer who knowingly submits to a state agency, state authority, city or  
1150 town a false or fraudulent claim of hours worked for payment and receives payment therefor or  
1151 knowingly makes, uses or causes to be made or used a false record or statement material to a  
1152 false or fraudulent claim of hours worked for payment that results in a police officer receiving  
1153 payment therefor or any person who conspires to commit a violation of this section shall be  
1154 liable to the state agency, state authority, city or town for a civil penalty of 3 times the amount of  
1155 damages that the state agency, state authority, city or town sustains because of such violation and  
1156 shall in addition be liable for the attorney’s fees and court costs of the state agency, state  
1157 authority, city or town.

1158 (c) A civil action for damages under this section may be brought in the superior court.

1159 (d) A civil action for damages under this section shall not be brought more than 4 years  
1160 after the date when facts material to the right of action are known or reasonably should have  
1161 been known by an official of the state agency, state authority, city or town who is authorized to  
1162 approve the initiation of an action for damages and not more than 6 years after the date on which  
1163 the violation is committed. A civil action for damages under this section may be brought for acts  
1164 that occurred prior to the effective date of this section, subject to the limitations period set forth  
1165 in this section.

1166 (e) Notwithstanding any other general or special law, rule of procedure or rule of  
1167 evidence to the contrary, a final judgment rendered in favor of the commonwealth in a criminal

1168 proceeding charging fraud or false statements, whether upon a verdict after trial, a plea of guilty  
1169 or a continuance without a finding following the defendant's admission to sufficient facts to  
1170 support a conviction, shall stop the defendant from denying the essential elements of the offense  
1171 in any action that involves the same act, transaction or occurrence as in the criminal proceedings  
1172 and that is brought under this section.

1173 (f) In any action brought pursuant to this section, the party bringing the action shall be  
1174 required to prove all essential elements of the cause of action, including damages, by a  
1175 preponderance of the evidence.

1176 SECTION 57. Section 22 of chapter 265 of the General Laws, as appearing in the 2018  
1177 Official Edition, is hereby amended by adding the following subsection:-

1178 (c) A law enforcement officer who has sexual intercourse or unnatural sexual intercourse  
1179 with a person in the custody or control of the law enforcement officer shall be found to be in  
1180 violation of subsection (b). For the purposes of this paragraph, "law enforcement officer" shall  
1181 mean a police officer, an auxiliary, intermittent, special, part-time or reserve police officer, a  
1182 police officer in the employ of a public institution of higher education under section 5 of chapter  
1183 15A, a public prosecutor, a municipal or public emergency medical technician, a deputy sheriff,  
1184 a correction officer, a court officer, a probation officer, a parole officer, an officer of the  
1185 department of youth services, constables, a campus police officer who holds authority as special  
1186 state police officer or a person impersonating one of the foregoing.

1187 SECTION 58. Chapter 276 of the General Laws is hereby amended by inserting after  
1188 section 2C the following section:-



1189           Section 2D. (a) A warrant that does not require a law enforcement officer to knock and  
1190 announce their presence and purpose before forcibly entering a residence shall not be issued  
1191 except by a judge and only if the affidavit supporting the request for the warrant establishes  
1192 probable cause that if the law enforcement officer announces their presence their life or the lives  
1193 of others will be endangered.

1194           (b) A police officer executing a search warrant shall knock and announce their presence  
1195 and purpose before forcibly entering a residence unless authorized by warrant to enter pursuant  
1196 to subsection (a).

1197           (c) An officer shall not dispense with the requirements of subsections (a) and (b) except  
1198 to prevent a credible risk of imminent harm as defined in section 1 of chapter 147A.

1199           (d) Evidence seized or obtained during the execution of a warrant shall be inadmissible if  
1200 a law enforcement officer violates this section.

1201           SECTION 59. Subsection (a) of section 100F of said chapter 276, as appearing in the  
1202 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
1203 thereof the following sentence:- A petitioner who has a record or records as an adjudicated  
1204 delinquent or adjudicated youthful offender may, on a form furnished by the commissioner and  
1205 signed under the penalties of perjury, petition that the commissioner expunge the record or  
1206 records.

1207           SECTION 60. Subsection (a) of section 100G of said chapter 276, as so appearing, is  
1208 hereby amended by striking out the first sentence and inserting in place thereof the following  
1209 sentence:- A petitioner who has a record or records of conviction may, on a form furnished by

1210 the commissioner and signed under the penalties of perjury, petition that the commissioner  
1211 expunge the record or records.

1212 SECTION 61. Said chapter 276 is hereby further amended by striking out section 100I, as  
1213 so appearing, and inserting in place thereof the following section:-

1214 100I. A petitioner may seek expungement of a past criminal or juvenile court records and  
1215 the commissioner shall certify that the records related to any charge, charges, case or cases that  
1216 are the subject of the petition filed pursuant to sections 100F, 100G or 100H are eligible for  
1217 expungement; provided, however, that:

1218 (i) the charge, charges, case or cases that are the subject of the petition did not result in a  
1219 felony conviction or adjudication of a criminal offense included in section 100J;

1220 (ii) the charge, charges, case or cases that are the subject of the petition to expunge the  
1221 record occurred before the petitioner's twenty-first birthday;

1222 (iii) the charge, charges, case or cases that are the subject of the petition, including any  
1223 period of incarceration, custody or probation, occurred not less than 7 years before the date on  
1224 which the petition was filed if the offense that is the subject of the petition is a felony and not  
1225 less than 3 years before the date on which the petition was filed if the offense that is the subject  
1226 of the petition is a misdemeanor;

1227 (iv) other than motor vehicle offenses for which the penalty does not exceed a fine of \$50  
1228 and the offenses that are the subject of the petition to expunge, the petitioner has no record of  
1229 being found guilty and no record as an adjudicated delinquent or adjudicated youthful offender

1230 on file with the commissioner for a felony less than 7 years before the date on which the petition  
1231 was filed or a misdemeanor less than 3 years before the date on which the petition was filed;

1232 (v) other than motor vehicle offenses for which the penalty does not exceed a fine of \$50,  
1233 the petitioner has no record of being found guilty and no record as an adjudicated delinquent or  
1234 adjudicated youthful offender on file in any other state, United States possession or in a court of  
1235 federal jurisdiction for a felony less than 7 years before the date on which the petition was filed  
1236 or a misdemeanor less than 3 years before the date on which the petition was filed ; and

1237 (vi) the petition includes a certification by the petitioner that, to the petitioner's  
1238 knowledge, the petitioner is not currently the subject of an active criminal investigation by any  
1239 criminal justice agency.

1240 Any violation of section 7 of chapter 209A or section 9 of chapter 258E shall be treated  
1241 as a felony for purposes of this section.

1242 SECTION 62. The executive office of public safety and security shall create and  
1243 implement a process by which state police details are assigned by a civilian employee or  
1244 contractor.

1245 SECTION 63. There shall be a commission to review and make recommendations on: (i)  
1246 improving, modernizing and developing comprehensive protocols for the training of state and  
1247 county correction officers and juvenile detention officers; (ii) establishing clear limitations on the  
1248 use of physical force by county correction officers and juvenile detention officers; and (iii)  
1249 creating an independent body with the power to certify, renew, revoke or otherwise modify the  
1250 certification of state and county correction officers and juvenile detention officers and the power  
1251 to receive, investigate and adjudicate complaints of officer misconduct.

1252           The commission shall consist of: a former judge appointed by the chief justice of the  
1253 supreme judicial court who shall serve as chair; the commissioner of correction or a designee; 1  
1254 correctional officer who shall be appointed by the New England Police Benevolent Association,  
1255 Inc.; the president of the Massachusetts Sheriffs Association, Inc. or a designee; the  
1256 commissioner of the department of youth services or a designee; 1 correction officer who shall  
1257 be appointed by the president of the Massachusetts Correction Officers Federated Union; 1  
1258 member appointed by American Federation of State, County and Municipal Employees Council  
1259 93 who shall be an employee of the department of youth services and who shall have not less  
1260 than 5 years of experience working in a department of youth services secure facility; the  
1261 executive director of Citizens for Juvenile Justice, Inc., or a designee; the executive director of  
1262 Prisoner’s Legal Services or a designee; the president of the city of Boston branch of the  
1263 National Association for the Advancement of Colored People New England Area Conference or  
1264 a designee; the executive director of Lawyers for Civil Rights, Inc., or a designee; 1 member  
1265 appointed by the Massachusetts Black and Latino Legislative Caucus who shall not be a member  
1266 of the caucus; the executive director of the American Civil Liberties Union of Massachusetts,  
1267 Inc., or a designee; 1 member appointed by Families for Justice as Healing Inc.; and 1 person  
1268 who shall be appointed by the governor and who shall be a formerly-incarcerated woman.

1269           The commission shall report and file its findings and recommendations, including any  
1270 legislation, with the clerks of the senate and house of representatives and the joint committee on  
1271 public safety and security not later than July 31, 2021.

1272           SECTION 64. (a) As used in this section, the following words shall have the following  
1273 meanings unless the context clearly requires otherwise:

1274 “Biometric data”, computerized data relating to the physical, physiological or behavioral  
1275 characteristics of a natural person, which allow or confirm the unique identification of such  
1276 person, including, but not limited to, facial recognition, fingerprints, palm veins,  
1277 deoxyribonucleic acid, palm prints, hand geometry or iris recognition.

1278 “Body-worn camera”, a portable electronic recording device worn on a law enforcement  
1279 officer’s person that creates, generates, sends, receives, stores, displays and processes  
1280 audiovisual recordings or records audio and video data of law enforcement-related encounters  
1281 and activities.

1282 “Facial recognition software”, a category of biometric software that maps an individual’s  
1283 facial features mathematically and stores the data as a faceprint.

1284 “Law enforcement agency”, an agency with law enforcement officers, including county  
1285 sheriff’s departments or municipal, special district, hospital or institution of higher education  
1286 police departments.

1287 “Law enforcement officer”, a sworn officer employed by a law enforcement agency to  
1288 exercise police authority.

1289 “Law enforcement-related activities”, activities by a law enforcement officer including,  
1290 but not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations,  
1291 pursuits, crowd control, traffic control or non-community caretaking interactions with an  
1292 individual while on patrol; provided, however, that “law enforcement-related activities” shall not  
1293 include completion of paperwork alone or only in the presence of other law enforcement officers  
1294 or civilian law enforcement personnel.

1295 “Recording”, the process of capturing data or information stored on a recording medium.

1296 (b) The executive office of public safety and security, in collaboration with the executive  
1297 office of technology services and security, shall establish the law enforcement body camera  
1298 taskforce. The taskforce shall propose regulations establishing a uniform code for the  
1299 procurement and use of body-worn cameras by law enforcement officers to provide consistency  
1300 throughout the commonwealth. The taskforce shall propose minimum requirements for the  
1301 storage and transfer of audio and video recordings collected by body-worn cameras. The  
1302 taskforce shall conduct not less than 5 public hearings in various parts of the commonwealth to  
1303 hear testimony and comments from the public.

1304 (c) The taskforce shall consist of: the secretary of public safety and security or a  
1305 designee; the secretary of technology services and security or a designee; the attorney general or  
1306 a designee; a member appointed by the committee for public counsel services; the president of  
1307 the Massachusetts District Attorney Association or a designee; a district court judge appointed  
1308 by the chief justice of the supreme judicial court; the executive director of the American Civil  
1309 Liberties Union of Massachusetts, Inc., or a designee; the president of the Boston branch of the  
1310 National Association for the Advancement of Colored People New England Area Conference or  
1311 a designee; the colonel of the state police or a designee; the president of the Massachusetts  
1312 Defense Lawyers Association, Inc., or a designee; 2 members nominated by the Black and  
1313 Latino Legislative Caucus who shall have expertise in constitutional or civil rights law; and 5  
1314 members appointed by the governor, 1 of whom shall be a police chief with a body camera pilot  
1315 program in a municipality with a population not less than 100,000 people, 1 of whom shall be a  
1316 police chief with a body camera pilot program in a municipality with a population not more than  
1317 50,000 people, 1 of whom shall be an expert on constitutional or privacy law who is employed

1318 by a law school in the commonwealth, 1 of whom shall be an elected official in a municipality  
1319 with a body camera pilot program and 1 of whom shall be a representative of a law enforcement  
1320 labor organization.

1321 (d) The taskforce shall elect a chair and vice-chair. A meeting of the taskforce may be  
1322 called by its chair, the vice-chair or any 3 of its members. A quorum for the transaction of  
1323 business shall consist of 7 members. All members of the taskforce shall serve without  
1324 compensation. The executive agencies convening the taskforce shall assign administrative  
1325 personnel to assist the work of the taskforce. The taskforce shall meet not less than 12 times. In  
1326 addition to taking public testimony, the taskforce shall seek the advice of experts specializing in  
1327 the fields of criminology, educations, criminal or family law or other related fields, as  
1328 appropriate.

1329 (e) Not later than January 31, 2022, the taskforce shall, by majority vote, adopt  
1330 recommended regulations for appropriate executive agencies. The regulations recommended by  
1331 the taskforce shall include, but not be limited to: (i) standards for the procurement of body-worn  
1332 cameras and vehicle dashboard cameras by law enforcement agencies, including a requirement  
1333 that such cameras or associated processing software include technology for redacting the images  
1334 and voices of victims and bystanders; (ii) regulations regarding the use of facial recognition or  
1335 other biometric-matching software or other technology to analyze recordings obtained through  
1336 the use of such cameras; provided, however, that such regulations may prohibit or allow such use  
1337 subject to requirements based on best practices and protocols; (iii) basic standards for training  
1338 law enforcement officers in the use of such cameras; (iv) specifications of: (A) the types of law  
1339 enforcement encounters and interactions that shall be recorded and what notice, if any, is to be  
1340 given to those being recorded; and (B) when a camera should be activated and when to

1341     discontinue recording; (v) a requirement that a camera be equipped with pre-event recording,  
1342     capable of recording at least the 30 seconds prior to camera activation; (vi) provisions preventing  
1343     an officer from accessing or viewing any recording of an incident involving the officer before the  
1344     officer is required to make a statement about the incident; (vii) standards for the identification,  
1345     retention, storage, maintenance and handling of recordings from body cameras, including a  
1346     requirement that recordings be retained for not less than 180 days but not more than 30 months  
1347     for a recording not relating to a court proceeding or ongoing criminal investigation or for the  
1348     same period of time that evidence is retained in the normal course of the court’s business for a  
1349     recording related to a court proceeding; (viii) standards pertaining to the recordings of use of  
1350     force, detention or arrest by a law enforcement officer or pertaining to ongoing investigations  
1351     and prosecutions to assure that recordings are retained for a period sufficient to meet the needs of  
1352     all parties with an interest in the recordings; (ix) guidelines for the security of facilities in which  
1353     recordings are kept; (x) requirements for state procurement of contracts for body-worn cameras  
1354     and for data storage through which qualified law enforcement agencies may purchase goods and  
1355     services; (xi) best practice language for contracts with third-party vendors for data storage, which  
1356     shall provide that recordings from such cameras are the property of the law enforcement agency,  
1357     are not owned by the vendor and cannot be used by the vendor for any purpose inconsistent with  
1358     the policies and procedures of the law enforcement agency; (xii) procedures for supervisory  
1359     internal review and audit; (xiii) sanctions for improper use of cameras, including a requirement  
1360     that a law enforcement officer who does not activate a body-worn camera in response to a call  
1361     for assistance shall include that fact in their incident report and note in the case file or record the  
1362     reason for not activating the camera; (xiv) sanctions for tampering with a camera or recordings  
1363     and for improper destruction of recordings; (xv) regulations pertaining to handling requests for



1364 the release of information recorded by a body-worn camera to the public; (xvi) requirements for  
1365 reporting by law enforcement agencies utilizing body-worn cameras; (xvii) a retention schedule  
1366 for recordings to ensure that storage policies and practices are in compliance with all relevant  
1367 laws and adequately preserve evidentiary chains of custody and identify potential discovery  
1368 issues; and (xviii) a process by which body camera footage may be included in the public record.

1369 (f) Not later than January 31, 2021, the taskforce shall file a report on its work product,  
1370 including its proposed regulations under subsection (e) and any proposed legislation that is  
1371 necessary to effectuate the regulations, with the clerks of the senate and house of representatives  
1372 and the joint committee on public safety and homeland security.

1373 SECTION 65. (a) As used in this section, the following words shall have the following  
1374 meanings unless the context clearly requires otherwise:

1375 “Biometric surveillance system”, computer software that performs facial recognition or  
1376 other remote biometric recognition.

1377 “Facial recognition”, an automated or semi-automated process that assists in identifying  
1378 an individual or capturing information about an individual based on the physical characteristics  
1379 of the individual’s face or that logs characteristics of an individual’s face, head or body to infer  
1380 emotion, associations, activities or the location of the individual.

1381 “Other remote biometric recognition”, an automated or semi-automated process that  
1382 assists in identifying an individual or capturing information about an individual based on the  
1383 characteristics of the individual’s gait, voice or other immutable characteristic ascertained from a  
1384 distance or that logs such characteristics to infer emotion, associations, activities or the location

1385 of the individual; provided, however, that other remote biometric recognition shall not include  
1386 recognition based on deoxyribonucleic acid, fingerprints or palm prints.

1387 (b) From the effective date of this act until December 31, 2021, inclusive, an agency,  
1388 executive office, department, board, commission, bureau, division or authority of the  
1389 commonwealth or a political subdivision thereof, or any agent, contractor or subcontractor  
1390 thereof, shall not acquire, possess, access or use any biometric surveillance system or any  
1391 information derived from a biometric surveillance system operated by another entity; provided,  
1392 however, that this paragraph shall not apply to the: (i) acquisition, possession or use of facial  
1393 recognition technology by the registrar of motor vehicles for the purposes of verifying a person's  
1394 identity when issuing licenses, permits or other documents under chapter 90 of the General  
1395 Laws; (ii) acquisition or possession of personal electronic devices, such as a cell phone or tablet,  
1396 that uses facial recognition technology for the sole purpose of user authentication; (iii)  
1397 acquisition, possession or use of automated video or image redaction software if such software  
1398 does not have the capability of performing facial recognition or other remote biometric  
1399 recognition; or (iv) the receipt of evidence related to the investigation of a crime derived from a  
1400 biometric surveillance system if such evidence was not knowingly solicited by or obtained with  
1401 the assistance of the agency, executive office, department, board, commission, bureau, division  
1402 or authority of the commonwealth or a political subdivision thereof, or any agent, contractor or  
1403 subcontractor thereof.

1404 Except in a judicial proceeding alleging a violation of this subsection, information  
1405 obtained in violation of this subsection shall not be admissible in any criminal, civil,  
1406 administrative or other proceeding.

1407 (c) There shall be a special commission to study the use of facial recognition by  
1408 the department of transportation and law enforcement agencies. The commission shall consist of:  
1409 the senate and house chairs of the joint committee on the judiciary, who shall serve as co-chairs;  
1410 1 member appointed by the speaker of the house of representatives who shall have academic  
1411 expertise in bias in machine learning; 1 member appointed by the president of the senate who  
1412 shall have academic expertise in privacy, technology and the law; the secretary of transportation  
1413 or a designee; the secretary of public safety security or a designee; the attorney general or a  
1414 designee; the state auditor or a designee; the chief counsel of the committee for public counsel  
1415 services or a designee; and 5 members appointed by the governor, 1 of whom shall be the  
1416 executive director of Massachusetts Chiefs of Police Association Incorporated or a designee, 1 of  
1417 whom shall be the executive director of the American Civil Liberties Union of Massachusetts,  
1418 Inc., or a designee, 1 of whom shall be the executive director of the New England Innocence  
1419 Project, Inc., or a designee, 1 of whom shall be the executive director of Jane Doe Inc.: The  
1420 Massachusetts Coalition against Sexual Assault and Domestic Violence or a designee, and a  
1421 representative of the New England chapter of the American Immigration Lawyer Association.

1422 The commission shall review the use of facial recognition and make recommendations to  
1423 the legislature. The commission shall: (i) study the facial recognition system operated by the  
1424 registry of motor vehicles and make recommendations for regular independent bias testing and  
1425 standards to ensure accuracy and equity based on age, race, gender and religion; (ii) evaluate  
1426 access to the system and management of information derived from the system including, but not  
1427 limited to, data retention, data sharing and audit trails; (iii) recommend ways to ensure that the  
1428 system is used in a manner that protects privacy and promotes accountability; (iv) identify which  
1429 federal agencies, if any, have access to Massachusetts databases that catalogue images of faces

1430 and the authorization for and terms of such access; (v) assess whether law enforcement should be  
1431 permitted to request the registry of motor vehicles to perform facial recognition searches under  
1432 any circumstances and, if so, what substantive and procedural limitations should be imposed  
1433 thereon; (vi) recommend ways to ensure rigorous due process protections for criminal defendants  
1434 when facial recognition is used in any part of an investigation; and (vii) make recommendations  
1435 to ensure compliance with limitations imposed upon the use of facial recognition, including  
1436 training and enforcement mechanisms.

1437 Not later than July 1, 2021, the commission shall submit its report and recommendations  
1438 to the governor, the secretary of transportation, the clerks of the senate and house of  
1439 representatives and the joint committee on public safety and homeland security.

1440 SECTION 66. (a) The community policing and behavioral health advisory council,  
1441 established in subsection (e) of section 25 of chapter 19 of the General Laws, shall conduct a  
1442 study to review and evaluate current and potential crisis intervention models; provided, however,  
1443 that the council may commission an independent research or academic organization with  
1444 expertise in clinical social work, criminal justice, jail diversion modalities, accessible analysis of  
1445 quantitative and qualitative data and communication of study results to conduct the study. The  
1446 council shall facilitate the collection of data needed to complete the study pursuant to  
1447 memoranda of understanding with the department of mental health, the executive office of public  
1448 safety and security, the executive office of health and human services and relevant social service  
1449 and law enforcement agencies.

1450 The study shall include, but not be limited to, an analysis of a representative sample of  
1451 current crisis response models across the commonwealth taking into account regional diversity

1452 that examines each model’s routine police response, social worker co-response, crisis  
1453 intervention teams, crisis intervention team training and technical assistance centers, co-response  
1454 training and technical assistance centers, police drop-off centers, component jail diversion  
1455 programs, sequential intercept model and emergency services programs; provided, however, that  
1456 the evaluation of each model shall include, but not be limited to: (i) arrest and emergency  
1457 department diversions and cost savings; (ii) a comparison with jail diversion and crisis response  
1458 models outside of the commonwealth; (iii) a system-level analysis of connections and  
1459 communication between emergency dispatch and crisis response programs; (iv) an evaluation of  
1460 crisis response training programs and protocols for law enforcement officers and 911  
1461 telecommunicators; (v) the impacts of under-resourced responses, such as inappropriate police-  
1462 only responses; and (vi) an analysis of barriers to scale, including funding, health insurance  
1463 coverage and reimbursement rates and liability.

1464 (b) The study shall include recommended changes to the commonwealth’s crisis response  
1465 system that shall include, but not be limited to: (i) appropriate performance metrics that allow for  
1466 evaluation of de-escalation techniques and use of force, outcome measurements and data  
1467 collection procedures and implementation; (ii) a comprehensive, state-wide crisis response and  
1468 jail diversion system that prioritizes community-based response and continuity of care; (iii) an  
1469 appropriate level of service to meet community need, including appropriate funding  
1470 recommendations; and (iv) standardization and alignment of crisis response training programs  
1471 and protocols for law enforcement officers and 911 telecommunicators. The study shall also  
1472 include an estimate of the additional cost or cost savings of implementing its recommendations  
1473 and possible sources of funding for community-based crisis response.

1474 (c) The study shall be designed in consultation with interested stakeholders, including the  
1475 Boston branch of the National Association for the Advancement of Colored People New England  
1476 Area Conference, the American Civil Liberties Union of Massachusetts, Inc., the National  
1477 Association of Social Workers, the Massachusetts Association for Mental Health, Inc., the  
1478 Association for Behavioral Health, Inc. and members of the general court.

1479 (d) Not later than January 1, 2022, the council shall submit the study's findings to the  
1480 clerks of the senate and house of representatives, the joint committee on mental health, substance  
1481 use and recovery, the joint committee on public health, the joint committee on health care  
1482 financing, the joint committee on public safety and homeland security and the center for  
1483 responsive training in crisis intervention. The study's findings shall be published on the  
1484 department of mental health's website. Not later than 3 months after receiving the study's  
1485 findings, the council shall solicit public comment and hold not less than 4 public hearings, 1 of  
1486 which shall be held in Berkshire, Franklin, Hampshire or Hampden county and 1 of which shall  
1487 be held in the Worcester area.

1488 (e) The council shall report on existing and innovative crisis response models and  
1489 recommend legislation or regulations to advance and strengthen non-police solutions to crisis  
1490 response and jail diversion. The report shall incorporate the study's findings and issues raised in  
1491 public comments and hearings. The report and recommendations shall be submitted to the clerks  
1492 of the senate and house of representatives and the joint committee on mental health, substance  
1493 use and recovery not later than January 2, 2023.

1494 (f) The center for responsive training in crisis intervention shall incorporate the council's  
1495 recommendations into regional training opportunities and training curricula.

1496 SECTION 67. Notwithstanding section 223 of chapter 6 of the General Laws, a law  
1497 enforcement officer, as defined in section 220 of said chapter 6, who has completed an academy  
1498 or training program certified by the municipal police training committee or the training programs  
1499 prescribed by chapter 22C of the General Laws on or before effective date of this section and is  
1500 appointed as a law enforcement officer as of the effective date of this section, shall be certified as  
1501 of the effective date of this section.

1502 All law enforcement officers who have completed a reserve training program on or  
1503 before the effective date of this section shall be certified as of the effective date of this section.  
1504 Prior to the expiration of that certification, the officer shall complete additional training as  
1505 required by the municipal police training committee or be granted a waiver pursuant to section  
1506 96B of chapter 41 of the General Laws.

1507 Any training waiver or exemption granted by the municipal police training committee  
1508 prior to the effective date of this section shall expire 6 months after the effective date of this  
1509 section. Any person who has not completed an academy or training program certified by  
1510 municipal police training committee or the training programs prescribed by said chapter 22C on  
1511 or before the effective date of this section and has been appointed to a law enforcement position  
1512 as of the effective date of this section, shall not exercise police powers following the expiration  
1513 of any training waiver or exemption under this section. Prior to the expiration of this 6-month  
1514 period, the person may obtain from the municipal police training committee a waiver pursuant to  
1515 said section 96B of said chapter 41 or an extension of time necessary to complete training  
1516 according to a work plan approved by the municipal police training committee.

1517           The certifications of law enforcement officers who have graduated from an academy or  
1518 training program certified by the municipal police training committee or the training programs  
1519 prescribed by said chapter 22C who are certified as a result of subsection (c) of section 223 of  
1520 said chapter 6 and whose last names being with: (i) A to H, inclusive, shall expire 1 year after the  
1521 effective date of this section; (ii) I to P, inclusive, shall expire 2 years after the effective date of  
1522 this section; and (iii) Q to Z, inclusive, shall expire 3 years after the effective date of this section.

1523           SECTION 68. Notwithstanding any general or special law to the contrary, in making  
1524 initial appointments to the police officer standards and accreditation committee established  
1525 pursuant to section 221 of chapter 6 of the General Laws the governor shall appoint 3 members  
1526 for a term of 3 years, 5 members for a term of 2 years and 5 members for a term of 1 year.

1527           SECTION 69. Notwithstanding paragraph (2) of section 2DDDDD of chapter 29 of the  
1528 General Laws, the initial terms of the board of directors of the Justice Reinvestment Workforce  
1529 Development Fund shall be as follows: 3 shall be appointed for a term of 1 year, 3 shall be  
1530 appointed for a term of 2 years, 3 shall be appointed for a term of 3 years and 3 shall be  
1531 appointed for a term of 4 years.

1532           SECTION 70. Notwithstanding any general or special law to the contrary, section 100I of  
1533 chapter 276 of the General Laws, as inserted by section 61, shall apply to any pending petition  
1534 for expungement filed pursuant to sections 100F, 100G or 100H of said chapter 276 that was  
1535 filed on or before the effective date of this act. Any petition for expungement filed pursuant to  
1536 said sections 100F, 100G or 100H of said chapter 276 that was denied before the effective date  
1537 of this act solely because the petitioner had more than 1 record as an adjudicated delinquent or



1538 adjudicated youthful offender or of a conviction may immediately refile the petition under  
1539 section 100I of said chapter 276.

1540 SECTION 71. Not later than July 1, 2021, the police officer standards and accreditation  
1541 committee shall develop the regulations required under section 4 of chapter 147A of the General  
1542 Laws; provided, however, that nothing in this section shall prevent the provisions of said chapter  
1543 147A from taking effect upon the effective date of this act.

1544 SECTION 72. Paragraph (3) of subsection (c) of section 2DDDDD of chapter 29 of the  
1545 General Laws shall take effect for fiscal year 2022.

1546 SECTION 73. Sections 52 shall take effect 1 year after the effective date of this act.