

Please be advised that the Joint Committee on the Judiciary will be conducting a public hearing on **July 14, 2009** beginning at **12:00 p.m.** in **Gardner Auditorium**.

In order to accommodate the large number of people expected to testify before the Committee on a number of different matters, the Committee will urge persons to limit their testimony to three minutes (two minutes if part of a panel) and will conduct the hearing based on the following schedule:

10:30 a.m. – Sign-in sheets made available for persons wishing to testify.

12:00 p.m. – Open Hearing and begin taking testimony from elected officials and the public on general matters - not S.1687 or H.1728 - being heard by the Committee.

2:30 p.m. – Testimony from elected officials on S.1687/H.1728 An Act Relative to Gender Based Discrimination and Hate Crimes.

3:00 p.m. - Testimony from elected officials and the public on S.1687/H.1728 An Act Relative to Gender Based Discrimination and Hate Crimes.

6:00 p.m. – Open hearing up to all matters being heard based on order of sign-in.

In addition, for those persons who would prefer not to testify, written testimony will be accepted throughout the day by Committee staff.

Thank you for your cooperation. If there are any questions please feel free to contact Alexis Finneran, Keith Macfarland or Alicia Pradas-Monne in Chairman O’Flaherty’s office at (617) 722-2396 or Mike Avitzur in Senator Creem’s office at (617)722-1639.

#### **July 14, 2009 Hearing List – Crimes, Privacy, 209A**

##### **House Bills**

|      |                        |  |
|------|------------------------|--|
| 344  | Lida E. Harkins        | An Act prohibiting devocalization of dogs and cats   |
| 1137 | Governor Deval Patrick | An Act to Protect and Enhance the Rights and Victims Witnesses of Crime  |
| 1248 | Geraldo Alicea         | An Act protecting those individuals with mental disabilities   |
| 1249 | Willie Mae Allen       | An Act Relative to False Criminal Complaints   |
| 1261 | Demetrius J. Atsalis   | An Act relative to establishing criminal liability for certain actions of employees of the Department of Social Services |
| 1264 | Demetrius J. Atsalis   | An Act relative to the penalty for interfering with certain medical personnel in the line of duty                        |

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| 1266 | Bruce J. Ayers           | An Act relative to the penalty for resisting a police officer   |
| 1267 | Bruce J. Ayers           | An Act establishing penalties for the filing of false reports against police officers                             |
| 1268 | Bruce J. Ayers           | An Act relative to the penalty for killing maiming or poisoning of animals  |
| 1269 | Bruce J. Ayers           | An Act establishing a mandatory sentence for destruction defacement or damage to burial tombs and grave markers   |
| 1270 | Bruce J. Ayers           | An Act establishing a mandatory sentence for destruction defacement or damage to burial tombs and grave markers   |
| 1277 | F. Jay Barrows           | An Act relative to underage alcohol consumption   |
| 1279 | John J. Binienda         | An Act relative to class D controlled substances  |
| 1280 | John J. Binienda         | An Act relative to furnishing false name, social security or address to a police officer when stopped or detained |
| 1282 | John J. Binienda         | An Act for the protection and safety of police officers   |
| 1284 | John J. Binienda         | An Act relative to the theft of motor vehicle fuel  |
| 1292 | Garrett J. Bradley       | An Act providing for the issuance of certain restraining orders   |
| 1296 | William N. Brownsberger  | An Act recognizing dangerousness of retail drug offenses  |
| 1297 | William N. Brownsberger  | An Act to moderate sentences for drug offenses and reduce excessive costs of incarceration                        |
| 1302 | Antonio F. D. Cabral     | An Act to prevent gang violence   |
| 1303 | Jennifer M. Callahan     | An Act to prevent animal cruelty  |
| 1307 | Jennifer M. Callahan     | An Act relative to the medical treatment of certain prisoners   |
| 1309 | Jennifer M. Callahan     | An Act relative to damages for the malicious injury to pets   |
| 1311 | Christine E. Canavan     | An Act regarding breaking and entering of a firearm retailer, wholesaler or manufacturer                          |
| 1312 | Christine E. Canavan     | An Act relative to criminal harassment of a minor   |
| 1313 | Stephen R. Canessa       | An Act relative to resisting arrest   |
| 1314 | Stephen R. Canessa       | An Act relative to high speed chases  |
| 1316 | James Cantwell           | An Act relative to the safety of judges   |
| 1319 | Katherine Clark          | An Act relative to protect Animals in Domestic Violence Cases   |
| 1326 | Cheryl A. Coakley-Rivera | An Act relative to profits from crime   |
| 1328 | Thomas P. Conroy         | An Act to prohibit human trafficking in Massachusetts   |
| 1330 | Michael A. Costello      | An Act relative to the enhancement of public safety   |
| 1334 | Robert A. DeLeo          | An Act relative to enhance penalties for littering  |
| 1336 | Viriato Manuel deMacedo  | An Act relative to Controlled Substances  |
| 1343 | Joseph R. Driscoll, Jr.  | An Act relative to the controlled substance laws  |

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| 1344 | Joseph R. Driscoll, Jr. | An Act to improve criminal laws relative to organized retail theft  |
| 1345 | James Dwyer             | An Act Relative to Falsely Assuming to be a Public Official   |
| 1347 | Lewis G. Evangelidis    | An Act relative to identity theft   |
| 1351 | Lewis G. Evangelidis    | An Act Relative to Increasing the Penalties for Breaking and Entering Dwellings During the Daytime with Intent to Commit a Felony |
| 1352 | James H. Fagan          | An Act regulating protective orders in certain court proceedings  |
| 1353 | James H. Fagan          | An Act relative to the penalty for assault and battery upon school teachers   |
| 1354 | James H. Fagan          | An Act relative to the extension of certain restraining orders without notice to defendants                                       |
| 1356 | James H. Fagan          | An Act relative to the age for prosecution of juveniles   |
| 1358 | James H. Fagan          | An Act Relative to Certain Criminal Sentences   |
| 1368 | Barry F. Finegold       | An Act relative to concealing controlled substances in an automobile  |
| 1369 | Barry F. Finegold       | An Act increasing criminal sanctions for drug distribution near youth centers   |
| 1370 | David L. Flynn          | An Act relative to Criminally Negligent Homicide  |
| 1371 | Gloria L. Fox           | An Act relative to increasing the fines for prostitution  |
| 1375 | John P. Fresolo         | An Act relative to the exposure of public safety officials to the aids virus  |
| 1376 | John P. Fresolo         | An Act clarifying the collection of data relative to traffic stops  |
| 1378 | John P. Fresolo         | An Act clarifying the collection of data relative to traffic stops  |
| 1381 | Paul K. Frost           | An Act relative to throwing missiles at motor vehicles  |
| 1386 | Paul K. Frost           | Resolve providing for an investigation and study for further punishment of disorderly persons in a riotous assembly               |
| 1387 | Paul K. Frost           | An Act relative to fines for refusal to stop during police pursuit  |
| 1391 | Colleen M. Garry        | An Act relative to protective orders  |
| 1394 | Colleen M. Garry        | An Act creating the crime of criminal solicitation  |
| 1395 | Colleen M. Garry        | An Act relative to pursuing a fleeing law enforcement officer's motor vehicle   |
| 1396 | Colleen M. Garry        | An Act relative to subsequent convictions for assault and battery on a police officer   |
| 1397 | Colleen M. Garry        | An Act relative to the concealment of the death of children and the penalties for the sale or purchase of minor children          |
| 1398 | Colleen M. Garry        | An Act prohibiting court ordered visitation rights to persons convicted of criminal offenses against a minor                      |
| 1409 | Thomas A. Golden, Jr.   | An Act relative to the definition of enticement   |

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| 1410            | Thomas A. Golden, Jr.            | An Act relative to bank robberies and collection of fraudulent checks                             |
| 1412            | William G. Green, Jr.            | An Act relative to HIV and AIDS testing   |
| 1413            | William G. Green, Jr.            | An Act further regulating the disclosure and use of social security numbers                       |
| 1422            | Bradford R. Hill                 | An Act relative to graffiti   |
| 1423            | Bradford R. Hill                 | An Act relative to the punishment of habitual offenders   |
| 1427            | Bradley H. Jones, Jr.            | An Act relative to the deliberate spread of contagious diseases                                   |
| 1428            | Bradley H. Jones, Jr.            | An Act relative to the profits from crime   |
| <del>1429</del> | <del>Bradley H. Jones, Jr.</del> | <del>An Act expanding protections against incest.</del>   |
| 1430            | Bradley H. Jones, Jr.            | An Act protecting children from domestic violence   |
| 1432            | Bradley H. Jones, Jr.            | An Act relative to crime restitution  |
| 1436            | Bradley H. Jones, Jr.            | An Act relative to juvenile restitution   |
| 1443            | Bradley H. Jones, Jr.            | An Act relative to fetal homicide   |
| 1445            | Bradley H. Jones, Jr.            | An Act relative to improving the protection of children   |
| 1447            | Bradley H. Jones, Jr.            | An Act relative to the protection of public safety officers                                       |
| 1448            | Bradley H. Jones, Jr.            | An Act relative to the persistent violent offenders   |
| 1454            | Bradley H. Jones, Jr.            | An Act relative to preventing pretexting in the Commonwealth                                      |
| 1457            | Bradley H. Jones, Jr.            | An Act relative to the penalty for interfering with certain medical personnel in the line of duty |
| 1458            | Bradley H. Jones, Jr.            | An Act relative to increasing the penalties for ethics and lobbying violations                    |
| 1459            | Louis L. Kafka                   | An Act Clarifying the Trafficking of Methamphetamines   |
| 1463            | Louis L. Kafka                   | An Act Relative to the Health of Public Safety Officers   |
| 1466            | Louis L. Kafka                   | An Act relative to dogfighting paraphernalia  |
| 1469            | Michael F. Kane                  | An Act Relative to the Theft of Bulk Merchandise Containers                                       |
| 1470            | Michael F. Kane                  | An Act Relative to Blunt Wraps  |
| 1471            | Michael F. Kane                  | An Act Relative to the Theft of Bulk Merchandise Containers                                       |
| 1484            | Kay Khan                         | An Act to provide certain information to victims of domestic violence                             |
| 1491            | Peter V. Kocot                   | An Act relative to Manslaughter   |
| 1492            | Robert M. Koczera                | An Act providing for drug free library zones  |
| 1495            | Peter J. Koutoujian              | An Act relative to the profits from crime   |
| 1499            | Peter J. Koutoujian              | An Act to include Animals in Abuse Prevention Orders  |
| 1501            | Peter J. Koutoujian              | An Act Relative to DNA Samples  |
| 1504            | Paul Kujawski                    | An Act relative to disarming or attempting to disarm a police officer                             |

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| 1505 | William Lantigua        | An Act relative to the punishment for the defacement of property                             |
| 1507 | William Lantigua        | An Act relative to identity fraud  |
| 1508 | William Lantigua        | An Act prohibiting the display of materials harmful to minors                                |
| 1511 | David P. Linsky         | An Act relative to the crime of identity fraud   |
| 1512 | David P. Linsky         | An Act creating the crime of larceny by overcoming a security device                         |
| 1516 | David P. Linsky         | An Act to prevent bulk purchasing and illegal trafficking of firearms                        |
| 1524 | Allen J. McCarthy       | An Act relative to reducing the unsafe disposal of hypodermic needles in public places       |
| 1536 | James M. Murphy         | An Act public possession of marijuana in a municipality                                      |
| 1537 | James M. Murphy         | An Act regarding the decriminalization of marijuana and local option                         |
| 1539 | David M. Nangle         | An Act Relative to Prevention of Domestic Abuse  |
| 1540 | David M. Nangle         | An Act Relative to Electronic Monitoring Devices   |
| 1541 | David M. Nangle         | An Act relative to the impersonation of police officers                                      |
| 1543 | Harold P. Naughton, Jr. | An Act relative to filing false emergency reports  |
| 1545 | Harold P. Naughton, Jr. | An Act relative to computer crimes   |
| 1546 | Harold P. Naughton, Jr. | An Act relative to the trafficking of methamphetamine  |
| 1550 | Harold P. Naughton, Jr. | An Act relative to computer crimes   |
| 1554 | James J. O'Day          | An Act protecting public employees   |
| 1555 | James J. O'Day          | An Act to create the crime of solicitation   |
| 1581 | Eugene L. O'Flaherty    | An Act relative to electronic monitoring for pre trial detainees                             |
| 1582 | Eugene L. O'Flaherty    | An Act relative to anti gang injunctions   |
| 1587 | Eugene L. O'Flaherty    | An Act relative to the victims of violent crimes   |
| 1589 | Eugene L. O'Flaherty    | An Act relative to technical corrections regarding the further protection of children        |
| 1606 | Eugene L. O'Flaherty    | An Act to permit the enforcement of restitution orders in criminal cases                     |
| 1610 | Eugene L. O'Flaherty    | An Act to exempt certain criminal misdemeanors from the hearing provisions of GLc218 sec 35A |
| 1614 | Eugene L. O'Flaherty    | An Act relative to manslaughter  |
| 1618 | Eugene L. O'Flaherty    | An Act to provide access to scientific and forensic analysis                                 |
| 1626 | Eugene L. O'Flaherty    | An Act regarding disposition of certain criminal offenses as civil infractions               |
| 1627 | Eugene L. O'Flaherty    | An Act regarding the penalties for drag racing   |
| 1652 | Alice Hanlon Peisch     | An Act ensuring the confidentiality for victims of rape and domestic violence                |
| 1653 | Alice Hanlon Peisch     | An Act Relating to Controlled Substances and Medical Treatment                               |

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| 1658 | Jeffrey Davis Perry       | An Act relative to the penalties for persons convicted of assaults in dwellings  |
| 1667 | William Smitty Pignatelli | An Act relative to certain controlled substances violations  |
| 1668 | Elizabeth Poirier         | An Act relative to expanding protections against the crime of incest   |
| 1669 | Elizabeth Poirier         | An Act providing for restraining orders for victims of a crime and their family members  |
| 1670 | Elizabeth Poirier         | An Act relative to a woman's right to know   |
| 1673 | Karyn E. Polito           | An Act relative to the punishment for the murder of a police officer   |
| 1674 | Angelo J. Puppolo, Jr.    | An Act Relative to candidates for Public Office  |
| 1676 | John F. Quinn             | An Act relative to agricultural crop and property destruction  |
| 1678 | John F. Quinn             | An Act relative to deceptive weapon devices  |
| 1680 | John F. Quinn             | An Act creating separate criminal offenses for assault committed with a firearm  |
| 1681 | John F. Quinn             | An Act relative to money laundering  |
| 1687 | Kathi-Anne Reinstein      | An Act Relative to the Rape Of An Elder Or A Person With A Disability  |
| 1688 | Kathi-Anne Reinstein      | An Act Relative to Posing or Exhibiting or Disseminating Material of an Elder or a Person with a Disability in a State of Nudity or Sexual Conduct |
| 1693 | Robert L. Rice, Jr.       | An Act relative to emergency protective orders   |
| 1694 | Pam Richardson            | An Act relative to historic stone walls  |
| 1696 | Michael J. Rodrigues      | An Act relative to assault and battery on health care providers  |
| 1702 | Michael F. Rush           | An Act Relative to the failure to submit to a police officer   |
| 1703 | Michael F. Rush           | An Act Relative to Illegal Firearms  |
| 1704 | Michael F. Rush           | An Act relative to deriving support from prostitution  |
| 1706 | Michael F. Rush           | An Act Against False Complaints Against Police Officers  |
| 1708 | Byron Rushing             | An Act to protect Massachusetts families through equal access to civil marriage  |
| 1711 | Byron Rushing             | An Act relative to the reform of archaic laws implicating certain private consensual intimate conduct between adults                               |
| 1713 | Jeffrey Sanchez           | An Act Relative to Assault and Battery Upon Public Employees   |
| 1714 | Rosemary Sandlin          | An Act relative to the disruption of a military funeral  |
| 1720 | Angelo M. Scaccia         | An Act relative to assaults upon sports officials  |
| 1724 | John W. Scibak            | An Act addressing controlled substances violations near school property  |
| 1728 | Carl M. Sciortino, Jr.    | An Act relative to gender based discrimination and hate crimes   |

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| 1730 | Todd M. Smola         | An Act Increasing the Penalty for Assault and Battery on a Police Officer  |
| 1732 | Todd M. Smola         | An Act Relative to Increasing the Penalty for Kidnapping a Child   |
| 1734 | Todd M. Smola         | An Act Repealing the Crime of Blasphemy  |
| 1735 | Theodore C. Speliotis | An Act imposing a life sentence as punishment for a second or subsequent conviction of the crime of rape             |
| 1737 | Theodore C. Speliotis | An Act prohibiting the falsification or impersonation of an emergency medical technician and or paramedic            |
| 1739 | Robert P. Spellane    | An Act relative to prohibiting video voyeurism   |
| 1745 | Ellen Story           | An Act updating the public health laws   |
| 1746 | Ellen Story           | An Act relative to consent and counseling for certain minors   |
| 1750 | Benjamin Swan         | An Act prohibiting tethering, leashing and other restraints of prisoners in work release programs                    |
| 1751 | Benjamin Swan         | An Act relative to abuse prevention  |
| 1754 | Benjamin Swan         | An Act to Reform the School Zone Law for Drug Offenses   |
| 1755 | Benjamin Swan         | An Act to Repeal Mandatory Minimum Sentencing Laws for Drug Offenses   |
| 1757 | Walter F. Timilty     | An Act regulating certain over the counter substances  |
| 1758 | A. Stephen Tobin      | An Act relative to the concealment of the death of children and penalties for the sale or purchase of minor children |
| 1763 | Cleon H. Turner       | An Act regulating marijuana possession in schools, businesses and public locations                                   |
| 1774 | Steven M. Walsh       | An Act criminalizing the possession of ingredients for manufactured drugs  |
| 1776 | Steven M. Walsh       | An Act clarifying the technical definition of a dangerous weapon in a school zone                                    |
| 1781 | Steven M. Walsh       | An Act to reduce domestic violence in the Commonwealth   |
| 1782 | Martin J. Walsh       | An Act relative to criminally negligent homicide   |
| 1786 | Martin J. Walsh       | An Act to Amend the Jaywalking Statute   |
| 1789 | Daniel K. Webster     | An Act relative to Controlled Substances   |
| 3528 | Karyn E. Polito       | An Act relative to protecting children from exploitation   |
| 3529 | Karyn E. Polito       | An Act relative to the safety of children in the Commonwealth  |
| 3530 | Karyn E. Polito       | An Act Relative to Hidden Compartments in vehicles operated in the Commonwealth                                      |
| 3535 | Byron Rushing         | An Act to Clarify Privacy Protections for Electronic Medical Records   |
| 3536 | Byron Rushing         | An Act relative to the reform of archaic laws  |

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| 3624 | Cheryl A. Coakley-Rivera | An Act relative to unauthorized entry of a critical infrastructure   |
| 3625 | Robert A. DeLeo          | An Act relative to penalties for defacement of public property   |
| 3626 | Mark V. Falzone          | An Act Preventing Misuse of Chapter 209A Abuse Prevention Provisions   |
| 3627 | Sean Garballey           | The Intent of the Legislature to Make Adjustments to Various Sentences to Improve Fairness and Equity                              |
| 3631 | William Lantigua         | An Act relative to the failure to report lost or stolen firearms   |
| 3776 | Robert L. Rice, Jr.      | An Act relating to emergency protective orders   |
| 3778 | Angelo M. Scaccia        | An Act to authorize fining or arresting individuals aggressively loitering   |
| 3992 | William C. Galvin        | An Act providing limited immunity from prosecution for a person who seeks to obtain medical assistance for a drug related overdose |
| 3994 | Thomas A. Golden, Jr.    | An Act relative to motor vehicle police chases   |
| 3995 | Thomas A. Golden, Jr.    | An Act relative to amateur or school athletic officials  |
| 3996 | Thomas A. Golden, Jr.    | An Act relative to the selling of soft air guns to minors  |
| 4005 | Todd M. Smola            | An Act to prohibit sexual relations between students and school employees  |
| 4006 | Todd M. Smola            | An Act penalizing any offender in possession of marijuana in a school zone   |
| 4007 | Todd M. Smola            | An Act to criminalize the operation of a motor vehicle while in possession of marijuana  |
| 4008 | Todd M. Smola            | An Act prohibiting harassment of public officials  |
| 4009 | Cleon H. Turner          | An Act relative to protect orders  |
| 4102 | Governor Deval Patrick   | An Act reducing firearm violence   |

### Senate Bills

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| 1550 | Baddour | An Act relative to the wrongful injury or death of animal-companions.                       |
| 1554 | Baddour | An Act requiring photographs on protective orders.  |
| 1559 | Berry   | An Act to protect and enhance the rights of child and adult victims and witnesses of crime. |
| 1576 | Brewer  | An Act punishing the failure to report certain fires.                                       |
| 1579 | Brewer  | An Act prohibiting criminals to profit from their personal                                  |

belongings.

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| 1598 | Buoniconti | An Act relative to victims of violent crimes.   |
| 1606 | Chandler   | An Act relative to privacy.   |
| 1610 | Chandler   | An Act relative to updating the public health laws.   |
| 1654 | Creem      | An Act relative to punishment for the crime of domestic violence.                                   |
| 1655 | Creem      | An Act relative to the crime of murder.   |
| 1656 | Creem      | An Act relative to archaic crimes.  |
| 1658 | Creem      | An Act Relative to Police Search and Seizure.   |
| 1660 | Creem      | An Act relative to the profits from crime.  |
| 1661 | Creem      | An Act establishing the crime of money laundering.  |
| 1669 | Creem      | An Act prohibiting the release of a minor's personal information by the media.                      |
| 1672 | Creem      | An Act relative to the crime of assault and battery on a child.                                     |
| 1687 | Downing    | An Act relative to gender based discrimination and hate crimes.                                     |
| 1689 | Eldridge   | An Act relative to the wrongful injury or death of animal-companions.                               |
| 1697 | Flanagan   | An Act Relative to Police Pursuits in the Commonwealth.   |
| 1710 | Jehlen     | An Act to Protect Animals.  |
| 1714 | Jehlen     | An Act relative to sending notice of criminal justice proceedings to victims .                      |
| 1720 | Joyce      | An Act Relative to wire-tapping in the Commonwealth.  |
| 1726 | Knapik     | An Act relative to penalties for failure to appear in court.  |
| 1739 | McGee      | An Act relative to the arrest and prosecution for the possession of marihuana for medical purposes. |
| 1746 | Montigny   | An Act relating to crimes against elders and people with disabilities                               |
| 1749 | Montigny   | An Act Relative to Corporate Criminal Conduct.  |
| 1753 | Moore, M.  | An Act Relative to Assault and Battery on Health Care Providers.                                    |
| 1757 | Moore, R.  | An Act to Improve Nurse Safety  |

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| 1771 | Morrissey    | An Act prohibiting the possession by or sale of spray paint to minors.                |
| 1787 | Panagiotakos | An Act relevant to peaceful funeral services.   |
| 1789 | Panagiotakos | An Act relative to dangerous weapons.   |
| 1794 | Petrucelli   | An Act protecting health care providers from violence.                                |
| 1795 | Petrucelli   | An Act including "machetes" under the dangerous weapon law.                           |
| 1811 | Tarr         | An Act to criminalize the attempted production of Class B drugs                       |
| 1820 | Tarr         | An Act to increase the penalties for corporate manslaughter.                          |
| 1822 | Timilty      | An Act prohibiting the leaving of an unattended child in a motor vehicle.             |
| 1824 | Timilty      | An Act relative to murder committed by youthful offenders.                            |
| 1825 | Timilty      | An Act clarifying ambiguities relative to Question 2.                                 |
| 1831 | Tisei        | An Act relative to abuse prevention.  |
| 1832 | Tisei        | An Act relative to the expansion of the state DNA database.                           |
| 1836 | Tolman       | An Act relative to the commission of a crime while in possession of a police scanner. |
| 1837 | Tolman       | An Act relative to reducing sporting event related violence.                          |
| 1849 | Walsh        | An Act relative to the rights of victims of crimes.                                   |
| 1851 | Walsh        | An Act concerning abuse prevention.   |
| 1853 | Walsh        | An Act relative to restraining orders involving non-family members.                   |
| 1855 | Walsh        | An Act to further strengthen the mandatory reporting law.                             |