

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

PETITION OF:

NAME:

James M. Murphy

DISTRICT/ADDRESS:

4th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 277 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO THIRD PARTY TRAINING AND BACKGROUND CHECKS FOR VIOLENT HISTORY FOR SECURITY STAFF AT BARS AND CLUBS..

*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. *Background Checks.*

2 No person may perform the duties of security staff (bouncers, doormen, floor staff, or other persons
3 performing duties related to admission of patrons and/or maintaining order and safety) at bars, clubs,
4 pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a license authorized
5 by section 12 of chapter 138 of the general laws of Massachusetts unless the proprietor, owner, or
6 manager of the establishment has performed a CORI check pursuant to chapter 6 of the general laws of
7 Massachusetts and chapter 803 of the Code of Massachusetts Regulations, that person has been found
8 qualified to perform the required duties, and that such determination of qualification has been
9 memorialized in writing by the proprietor, owner, or manager. The background check should focus on
10 violent criminal history or other incidents that are strictly related to the duties of the position.

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13 *Section 2. Third-Party Training.*

14 No person may perform the duties of security staff (bouncers, doormen, floor staff, or other persons
15 performing duties related to admission of patrons and/or maintaining order and safety) at bars, clubs,
16 pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a license authorized
17 by section 12 of chapter 138 of the general laws of Massachusetts unless (i) the person has satisfactorily

18 completed a program of third-party training to identify a problem patron exhibiting behavior including,
19 but not limited to, aggressive behavior, underage consumption of alcoholic beverages, presentation of
20 false/fake identification, (ii) the person has satisfactorily completed a program of third-party training to
21 employ best practices regarding safe removal of the aforesaid problem patron from the premises
22 without physically harming the problem patron, another patron, or any staff member, (iii) the person
23 has received a certificate indicating satisfactory completion of the training from the third-party trainer,
24 and (iv) the proprietor, owner, or manager of the establishment has verified such completion and
25 memorialized such verification in writing.

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28 *Section 3. Regulatory Authority.*

29 The Executive Office of Public Safety shall have the authority to promulgate rules and regulations
30 necessary to implement and enforce these sections.

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33 *Section 4. Severability.*

34 If any provision of this act or the application of such provision to any person or circumstance shall be
35 held invalid, the validity of the remainder of this act and the applicability of such provision to other
36 persons or circumstances shall not be affected thereby.

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39 *Section 5. Implementation.*

40 The provisions of this act shall be effective thirty (30) calendar days after passage.

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