



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

GUNS AND GUN LAWS

A Beacon Hill mulligan

Posted by James Alan Fox, Crime and Punishment June 11, 2010 01:45 PM

As an update to the legislative [fiasco](#) earlier this week with regard to [Governor Patrick's gun bill](#), there may be a legislative do-over, a Beacon Hill mulligan for all you golfers. Recall that the vote of the Joint Committee on the Judiciary, based on a poll of its members, was recorded as 4 in favor and 4 opposed, resulting in an adverse recommendation. Soon after the vote became official and set in legislative stone, it was learned that the positive votes from two senators had not been counted. The vote should have been 6-4, leading to a positive recommendation. But the official record could not be fixed.

It is unclear how all of this came about there are no cameras and no instant replay. Explanations from various sources are, unfortunately, not all that consistent. Senator O'Flaherty claimed that the two uncounted votes had not been submitted by the 4 pm deadline, while Senator Cream insisted that the two missing yeas were cast in time.

Regardless of how this mishap occurred, it appears that the House may consider a proposal to recommit the gun bill back to the Joint Committee on the Judiciary. If so, let's hope that this time there are no hanging chads and all votes will be properly counted. But, procedurally, nothing firm has been decided as of yet.

At the end of the day, month or the legislative session, the committee vote may be accurately taken and Governor Patrick's gun bill may get the full legislative consideration that it deserves. But the tarnished image of our elected officials on Beacon Hill is not so easy to repair. At least based on the many comments posted here which were not limited to advocates on either side of the proposed gun law, those entrusted with the reins of state government looked foolish. Whatever their position on guns, they shot themselves in the foot.

Finally, a couple of posters and e-mailers requested a roll call of the votes, which apparently is required by Legislative rules. Nevertheless, no official identification of votes has yet been announced publicly. Thanks to some leg work and phone work from the State House News Service, some of the committee members revealed their ballot choices.

- *Favor:* Rep. Eugene O'Flaherty (D-Chelsea), Sen. Cynthia Creem (D-Newton), Sen. Rep. Christopher Speranzo (D-Pittsfield), Sen. Jack Hart (D-South Boston) , Sen. Thomas McGee (D-Lynn), plus one other unidentified representative.

- *Opposed:* Reps. Daniel Webster (R-Pembroke) Lew Evangelidis (R-Holden) and two other unidentified members.
- *Voting to take no immediate action were:* Sens. Bruce Tarr (R-Gloucester), Steve Baddour (D-Methuen), Gale Candaras (D-Wilbraham), and Rep. Danielle Gregoire (D-Marlborough).
- *Undetermined:* Reps. James Fagan (D-Taunton), Colleen Garry (D-Dracut), John Fernandes (D-Milford), Marie St. Fleur (D-Boston), Katherine Clark (D-Melrose), and James Dwyer (D-Woburn).