

HOUSE No. 1380

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to a policeman's bill of rights..

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 31 of the General Laws, as appearing in 2 the 2000 Official
2 Edition, is hereby amended by adding the 3 following new section:—

3 Section 4IB. The interrogations into alleged misconduct of a police officer shall take
4 place at a location designated by the investigating officer. The officer shall be informed of the
5 rank, name and command of the officer in charge of the investigation and of all persons present
6 during the interrogation. The officer shall be informed of the nature of the interrogation and
7 shall be informed of the name of all complainants. The interrogation shall be conducted at a
8 reasonable hour and in a reasonable manner, preferably at a time when the officer is on duty.
9 Interrogation sessions shall be for reasonable periods and 14 shall be flexible to allow for
10 personal necessities. The law enforcement officer shall not be subject to offensive language or
11 be threatened with transfer, dismissal, or disciplinary action. If the police officer is under arrest
12 or is likely to be placed

13 18 under arrest, he shall be completely informed of all his rights prior to commencement
14 of the interrogation. At the officer's request, he shall have the right to be represented by counsel.

15 All questions and answers shall be recorded by a stenographer. No law enforcement officer
16 shall be discharged, disciplined, demoted, denied transfer or reassignment with regard to his
17 employment, or be threatened with any such treatment by reason of his exercise of the rights
18 granted by this section.

19 SECTION 2. Section 25 of Chapter 268A of the General Laws, as appearing in the 1988
20 Official Edition, is further amended by adding after the fifth paragraph the following new
21 paragraph:—

22 Police officers charged with alleged misconduct committed during the course of duty
23 shall be subject to the provisions of sections 41, 41B and 43 of Chapter 31 of the General Laws.

24 SECTION 3. Section 43 of Chapter 31 of the General Laws, as appearing in the 1988
25 Official Edition, is hereby further amended by adding in line two after the word "forty-one" the
26 following:—

27 "or forty-one B, he".

28 SECTION 4. Section 9A of Chapter 258 of the General Laws, as appearing in the 1988
29 Official Edition, is hereby amended by inserting in line two after the words "capitol police", the
30 following:— "a municipal police officer".

31 SECTION 5. Section 9A of Chapter 258 of the General Laws, as appearing in the 1988
32 Official Edition, is hereby amended by inserting in line 11 and line 23, after the words "capitol
33 police" the following:— "municipal police officers"