

HOUSE No. 4040

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph F. Wagner

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 adoption of the accompanying bill:

An Act relative to taking or transmitting images of crime victims by first responders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>	<i>3/25/2014</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>	
<i>James T. Welch</i>	<i>Hampden</i>	
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>	<i>4/2/2014</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>3/28/2014</i>

HOUSE No. 4040

By Mr. Wagner of Chicopee, a petition (subject to Joint Rule 12) of Joseph F. Wagner and others relative to taking or transmitting images of crime victims by first responders. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to taking or transmitting images of crime victims by first responders.

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

1 Chapter 271 of the General Laws is hereby amended by adding the following section:-

2 Section 51: (a) As used in this section, the following terms shall, unless the context
3 clearly requires otherwise, have the following meanings:-

4 “First responder”, a law enforcement officer, a paid, call, reserve or volunteer firefighter,
5 a paid, call, reserve or volunteer emergency medical technician or any other person whose usual
6 and regular duties include rendering assistance at the scene of a crime, accident or other
7 emergency.

8 “Immediate family member”, a spouse, child, step child, adopted child, sibling, step
9 sibling, adopted sibling, parent, step parent, adopted parent, grandparent, or grandchild.

10 (b) No first responder who responds to or is otherwise present at the scene of a crime,
11 accident or other emergency in the performance of his or her official duties shall take a
12 photographic or digital image of a victim of a crime, accident or emergency unless the first
13 responder takes the photographic or digital image: (i) in the performance of his or her official
14 duties, or; (ii) upon the consent of the victim or, if the victim is unable to consent, an immediate
15 family member of the victim.

16 (c) No first responder shall, other than in the performance of his or her official duties,
17 transmit, disseminate or otherwise make available to a third person a photographic or digital
18 image of a victim of a crime, accident or emergency without the consent of the victim or, if the
19 victim is unable to consent, an immediate family member of the victim.

20 (d) Any person who knowingly violates subsection (b) or (c) shall be punished by a fine
21 of not more than \$2,000, or by imprisonment for not more than 1 year, or both such fine and
22 imprisonment.