SENATE DOCKET, NO. 523 FILED ON: 1/15/2015

SENATE . . . . . No. 855

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 to protect the privacy of 911 callers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jason M. Lewis	*Fifth Middlesex*
Carmine L. Gentile	*13th Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*

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SENATE . . . . . No. 855

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 855) of Jason M. Lewis, Carmine L. Gentile and Timothy J. Toomey, Jr. for legislation to protect the privacy of 911 callers. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to protect the privacy of 911 callers.

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

SECTION 1. Chapter 6A of the Massachusetts General Laws, as appearing in the 2014 Edition, is hereby amended by adding the following new section:-

Section 18M. The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs for transcript preparation. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety and emergency medical services training purposes.

The release of the audio recording of a 911 telephone call without the express written consent of the caller or the caller's legal representative shall be prohibited, except pursuant to a

13 court order finding that the right of the public to the release of the recording outweighs the
14 privacy interests of the individual who made the 911 call or any person involved in the facts or
15 circumstances relating to the 911 call. This section shall not apply to law enforcement personnel
16 conducting an investigation where the 911 telephone call is or may be relevant to the
17 investigation.