HOUSE DOCKET, NO. 1156 FILED ON: 1/18/2017

HOUSE . . . . . No. 873

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 fundamental freedoms and prohibit discriminatory registration programs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay R. Kaufman	*15th Middlesex*	*1/18/2017*
Paul J. Donato	*35th Middlesex*	*1/27/2017*
Byron Rushing	*9th Suffolk*	*1/26/2017*
Bruce E. Tarr	*First Essex and Middlesex*	*2/3/2017*
Cory Atkins	*14th Middlesex*	*1/30/2017*
Jennifer E. Benson	*37th Middlesex*	*1/26/2017*
Antonio F. D. Cabral	*13th Bristol*	*1/30/2017*
Kay Khan	*11th Middlesex*	*1/30/2017*
Kevin G. Honan	*17th Suffolk*	*1/26/2017*
Kate Hogan	*3rd Middlesex*	*2/1/2017*
Elizabeth A. Malia	*11th Suffolk*	*2/3/2017*
Michael J. Moran	*18th Suffolk*	*1/31/2017*
Harold P. Naughton, Jr.	*12th Worcester*	*2/2/2017*
James J. O'Day	*14th Worcester*	*1/27/2017*
Alice Hanlon Peisch	*14th Norfolk*	*2/3/2017*
Jeffrey Sánchez	*15th Suffolk*	*2/3/2017*
John W. Scibak	*2nd Hampshire*	*1/25/2017*
Frank I. Smizik	*15th Norfolk*	*1/24/2017*

Brian M. Ashe	*2nd Hampden*	*1/31/2017*
Bruce J. Ayers	*1st Norfolk*	*2/3/2017*
Ruth B. Balser	*12th Middlesex*	*1/25/2017*
Michael J. Barrett	*Third Middlesex*	*1/26/2017*
Christine P. Barber	*34th Middlesex*	*1/31/2017*
Paul Brodeur	*32nd Middlesex*	*2/3/2017*
Gailanne M. Cariddi	*1st Berkshire*	*1/29/2017*
Evandro C. Carvalho	*5th Suffolk*	*2/1/2017*
Tackey Chan	*2nd Norfolk*	*2/3/2017*
Harriette L. Chandler	*First Worcester*	*1/31/2017*
Sonia Chang-Diaz	*Second Suffolk*	*2/2/2017*
Mike Connolly	*26th Middlesex*	*1/26/2017*
Edward F. Coppinger	*10th Suffolk*	*1/31/2017*
Brendan P. Crighton	*Third Essex*	*2/2/2017*
Michael S. Day	*31st Middlesex*	*2/1/2017*
Marjorie C. Decker	*25th Middlesex*	*2/2/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/3/2017*
Daniel M. Donahue	*16th Worcester*	*2/2/2017*
William Driscoll	*7th Norfolk*	*2/1/2017*
Michelle M. DuBois	*10th Plymouth*	*1/31/2017*
Lori A. Ehrlich	*8th Essex*	*1/31/2017*
James B. Eldridge	*Middlesex and Worcester*	*2/2/2017*
Tricia Farley-Bouvier	*3rd Berkshire*	*2/1/2017*
Dylan Fernandes	*Barnstable, Dukes and Nantucket*	*1/30/2017*
Ann-Margaret Ferrante	*5th Essex*	*2/1/2017*
Linda Dorcena Forry	*First Suffolk*	*2/3/2017*
William C. Galvin	*6th Norfolk*	*2/1/2017*
Sean Garballey	*23rd Middlesex*	*1/23/2017*
Carmine L. Gentile	*13th Middlesex*	*1/26/2017*
Solomon Goldstein-Rose	*3rd Hampshire*	*1/25/2017*
Kenneth I. Gordon	*21st Middlesex*	*1/27/2017*
Danielle W. Gregoire	*4th Middlesex*	*1/31/2017*
Stephan Hay	*3rd Worcester*	*2/3/2017*
Jonathan Hecht	*29th Middlesex*	*2/2/2017*
Natalie Higgins	*4th Worcester*	*2/1/2017*
Louis L. Kafka	*8th Norfolk*	*1/30/2017*
Mary S. Keefe	*15th Worcester*	*2/2/2017*
Peter V. Kocot	*1st Hampshire*	*1/31/2017*
John J. Lawn, Jr.	*10th Middlesex*	*1/25/2017*

Jack Lewis	*7th Middlesex*	*1/25/2017*
Jason M. Lewis	*Fifth Middlesex*	*1/25/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*1/30/2017*
Jay D. Livingstone	*8th Suffolk*	*1/30/2017*
Adrian Madaro	*1st Suffolk*	*1/20/2017*
John J. Mahoney	*13th Worcester*	*2/2/2017*
Paul W. Mark	*2nd Berkshire*	*2/3/2017*
Juana B. Matias	*16th Essex*	*2/3/2017*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*2/2/2017*
Paul McMurtry	*11th Norfolk*	*1/27/2017*
Rady Mom	*18th Middlesex*	*2/3/2017*
Frank A. Moran	*17th Essex*	*1/19/2017*
Michael O. Moore	*Second Worcester*	*2/2/2017*
Brian Murray	*10th Worcester*	*2/3/2017*
Kathleen O'Connor Ives	*First Essex*	*2/3/2017*
Patrick M. O'Connor	*Plymouth and Norfolk*	*2/2/2017*
Marc R. Pacheco	*First Plymouth and Bristol*	*2/3/2017*
Sarah K. Peake	*4th Barnstable*	*1/26/2017*
Smitty Pignatelli	*4th Berkshire*	*1/25/2017*
Denise Provost	*27th Middlesex*	*1/23/2017*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/26/2017*
David M. Rogers	*24th Middlesex*	*1/24/2017*
John H. Rogers	*12th Norfolk*	*2/3/2017*
Daniel J. Ryan	*2nd Suffolk*	*2/2/2017*
Thomas M. Stanley	*9th Middlesex*	*1/26/2017*
José F. Tosado	*9th Hampden*	*1/20/2017*
Paul Tucker	*7th Essex*	*2/1/2017*
Steven Ultrino	*33rd Middlesex*	*2/1/2017*
Chris Walsh	*6th Middlesex*	*1/27/2017*

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HOUSE . . . . . No. 873

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 873) of Jay R. Kaufman and others for legislation to protect residents of the Commonwealth from certain government monitoring. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to protect fundamental freedoms and prohibit discriminatory registration programs.

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 30 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 65 the following section:-

Section 66. (a) Under no circumstances shall the commonwealth, any political subdivision thereof, or any employee or agent of the commonwealth or any of its political subdivisions, establish any operation or program that requires, or has the effect of causing, persons to register or check in based in whole or in part on their religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual orientation or age, or maintain any records system, government file or database for the purpose of registering persons based in whole or in part on those categories.

(b) In the event that any federal government operation or program requires, or has the effect of causing, persons to register or check in based in whole or in part on their religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual

orientation or age, including but not limited to any such operation or program created pursuant to 8 United States Code, sections 1302(a) and 1303(a):

(i) no resources of the commonwealth or any political subdivision thereof shall be expended in the enforcement or implementation of such registry or check-in program;

(ii) no employee or agent of the commonwealth or any of its political subdivisions shall access, or seek to access, any information maintained pursuant to such registry or check-in program; and

(iii) no employee or agent of the commonwealth or any of its political subdivisions shall provide or disclose or offer to provide or disclose information to, or respond to a request for information from, such registry or check-in program.

(c) The prohibitions under subsections (a) and (b) shall not apply to any government operation or program that: (1) merely collects and compiles data about nationals of a foreign country entering or exiting the United States; or (2) issues visas, grants United States citizenship, confers an immigration benefit, or temporarily or permanently protects noncitizens from removal.

(d) Nothing in this section shall prohibit or restrain the commonwealth, any political subdivision thereof, or any employee or agent of the commonwealth or any of its political subdivisions, from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with Section 1373 of Title 8 of the United States Code.

SECTION 2. Section 1 of Chapter 66A of the General Laws is hereby amended by striking out the definition of “Personal data”, at lines 32 through 39 and inserting the following definitions:--

“Criminal intelligence information”, data which has been evaluated to determine that it is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity. Such reasonable suspicion is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal justice agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.

“Criminal intelligence system”, the arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information, including the commonwealth fusion center, the Boston regional intelligence center, and any successor entities.

“Personal data”, any information concerning an individual which, because of name, identifying number, mark or description can be readily associated with a particular individual; provided, however, that personal data shall not include information that would reasonably be expected to: interfere with an ongoing criminal investigation or other law enforcement proceeding; constitute a clearly unwarranted invasion of personal privacy; disclose the identity of a confidential source; or endanger the life or physical safety of any individual.

SECTION 3. Chapter 276 of the General Laws is hereby amended by striking out section 1A and inserting in place thereof the following sections:-

Section 1A. (a) No state or local law enforcement agency, prosecutorial office, criminal intelligence system as defined in chapter 66A, police or peace officer, or agent thereof shall collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership or other entity unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the particular subject of the information, whether an individual or other entity, is involved in criminal conduct.

(b) Any information lawfully collected or maintained under subsection (a) shall be referred to hereinafter as "protected information."

(c) In all operations involving the collection, maintenance and dissemination of protected information:

(1) No protected information shall be obtained, collected, maintained, or disseminated in a manner which is in violation of any federal, state, or local law, ordinance, or regulation.

(2) All protected information shall be evaluated by a supervisory official or agency head for the reliability of its source and the accuracy of its content prior to being recorded in any investigation file; the individual conducting the review shall sign and certify to having conducted the assessment, and that certification shall be made part of the investigative file.

(3) Protected information recorded in an investigation file shall be reviewed at least once every five years by a supervisory official or agency head, and any information that is not reliable, accurate, relevant and timely shall be destroyed; the individual conducting the review shall sign and certify to having conducted the reassessment, and that certification shall be made part of the investigative file.

(4) Protected information may be disseminated only to law enforcement agencies and only after review and written authorization by the head of the originating law enforcement agency or criminal intelligence system. The reviewing official shall sign and certify the disseminations authorization, which shall specify the name of the subject or subjects, the name of the entity with whom the information is to be shared, the date of dissemination, and the reasons why dissemination is necessary. The certification shall be made part of the investigative file at the transmitting and the receiving agency.