

SENATE No. 787

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/20/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/2/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/26/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/27/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/30/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>1/30/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/31/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/1/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/1/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/1/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2017</i>

<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/1/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/1/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/1/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/2/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/2/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/3/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/3/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/3/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>	<i>2/3/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/8/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/29/2017</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>9/27/2017</i>

SENATE No. 787

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 787) of Harriette L. Chandler, Jose F. Tosado, Jay R. Kaufman, Jason M. Lewis and other members of the General Court for legislation relative to freedom of speech and association. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 734 OF 2015-2016.]

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:

1 SECTION 1. Chapter 30 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after section 65 the following section:-

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

10 (b) In the event that any federal government operation or program requires, or has the
11 effect of causing, persons to register or check in based in whole or in part on their religion,
12 national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual
13 orientation or age, including but not limited to any such operation or program created pursuant to
14 8 United States Code, sections 1302(a) and 1303(a):

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

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

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

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

28 (d) Nothing in this section shall prohibit or restrain the commonwealth, any political
29 subdivision thereof, or any employee or agent of the commonwealth or any of its political
30 subdivisions, from sending to, or receiving from, any local, state, or federal agency, information

31 regarding citizenship or immigration status, consistent with Section 1373 of Title 8 of the United
32 States Code.

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

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

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

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

53 SECTION 3. Chapter 276 of the General Laws is hereby amended by striking out section
54 1A and inserting in place thereof the following sections:-

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

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

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

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

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

72 (3) Protected information recorded in an investigation file shall be reviewed at least once
73 every five years by a supervisory official or agency head, and any information that is not reliable,

74 accurate, relevant and timely shall be destroyed; the individual conducting the review shall sign
75 and certify to having conducted the reassessment, and that certification shall be made part of the
76 investigative file.

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