

HOUSE No. 3277

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 secure civil rights through the courts of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/14/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/24/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/25/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/28/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/29/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/31/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/31/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/31/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/31/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/31/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>

<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/1/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/1/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>

HOUSE No. 3277

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 3277) of Michael S. Day and others for legislation to secure civil rights through the courts of the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to secure civil rights through the courts of the Commonwealth.

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. Section 11I of chapter 12 of the General Laws is hereby amended by
2 inserting before the existing paragraph the letter (a) and further amended by adding the
3 following new paragraphs: -

4 (b) Any person whose exercise or enjoyment of rights secured by the constitution or laws
5 of the United States, or of rights secured by the constitution or laws of the commonwealth, has
6 been interfered with by a person or entity acting under color of any statute, ordinance, regulation,
7 custom or usage of the commonwealth or its subdivisions, may institute and prosecute in his or
8 her own name and on his or her own behalf a civil action for injunctive and other appropriate
9 relief, including the award of compensatory monetary damages. Said action shall be brought
10 either in the superior court for the county in which the conduct complained of occurred or in the
11 superior court for the county in which the person or entity whose conduct complained of resides
12 or has a principle place of business. A plaintiff who prevails by obtaining significant relief after

13 the filing of an action under this paragraph shall be entitled to an award of the costs of litigation
14 and reasonable attorneys' fees in an amount to be fixed by the court.

15 (c) In an action under this section, qualified immunity shall not apply to claims for
16 monetary damages except upon a finding that, at the time of the challenged conduct, no
17 reasonable defendant could have had reason to believe that such conduct would violate the law.

18 SECTION 2. Section 11J of chapter 12 of the General Laws is hereby amended by
19 striking out each time they appear the words "eleven I" and inserting in place thereof the words:

20 --

21 eleven I(a)

22 SECTION 3. The provisions of this act will take effect immediately upon enactment.