

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

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 safety at public events.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>9/16/2019</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>9/17/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>9/17/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>9/17/2019</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>9/18/2019</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>9/18/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>9/19/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>9/19/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>9/20/2019</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>9/20/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>9/20/2019</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>9/23/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>9/23/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>9/30/2019</i>

HOUSE No.

By Mr. Whelan of Brewster, a petition (subject to Joint Rule 12) of Timothy R. Whelan and others for legislation to establish penalties for certain persons disguising themselves in a manner including but not limited to concealing facial features. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to safety at public events.

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 268 of the general laws is hereby amended by striking out section 34, as so
2 appearing in the 2018 Official Edition, and inserting in place thereof the following section: -

3
4 (a) Whoever willfully disguises themselves in a manner including but not limited to
5 concealing their facial features by wearing any face-covering, mask or other disguise with the
6 intent to shield their identity while in the act of obstructing, preventing or interfering with an
7 officer or other law enforcement from the lawful performance of their duty, or prevents,
8 intimidates or harasses another person in the exercise of their constitutional rights as guaranteed
9 by the United States Constitution, the Massachusetts Declaration of Rights, or the laws of the
10 commonwealth whether such intent is effected or not shall be punished by a fine of \$500 or up to
11 1 year imprisonment in the house of correction or both.

12

13 (b) Whoever willfully disguises themselves at any public event in a manner including but
14 not limited to concealing their facial features by wearing any face-covering, mask or other
15 disguise with the intent to shield their identity while in the act of obstructing, preventing, or
16 interfering with an officer or other law enforcement official from the lawful performance of their
17 duty, or prevents, intimidates, or harasses another person in the exercise of their constitutional
18 rights as guaranteed by the United States Constitution, the Massachusetts Declaration of Rights,
19 or the laws of the Commonwealth, whether such intent is effected or not, shall be punished by a
20 fine of \$1,000 or up to 1 year imprisonment in the house of correction or both.

21

22 (c) Whoever willfully commits any act of violence, as described in any section of Chapter
23 265 or Chapter 268 of the General Laws, against another person at any public event while
24 wearing any covering, mask, or other disguise that conceals their facial features with the intent to
25 shield their identity shall be punished by a fine of up to \$1500, or up to one and one-half years
26 imprisonment in the House of Correction or both.

27

28 (d) Whoever willfully commits any act of violence, as described in any section of
29 Chapter 265 or Chapter 268 of the General Laws, against any sworn police officer, firefighter, or
30 other first responder at any public event while wearing any covering, mask or other disguise that
31 conceals their facial features with the intent to shield their identity shall be punished by a fine of
32 up to \$2,000, or up to 2 years imprisonment in the House of Correction or both.

33

34 (d) For the purposes of this section, a disguise shall not include a face covering worn for
35 the following reasons: (1) as required by religious custom or practice, (2) for the treatment of a
36 medical condition, (3) as part of a costume worn on the occasion of or in close proximity to the
37 occasion of a holiday, or (4) for warmth during periods of extreme cold. Any police officer who
38 has probable cause may arrest any individual who violates any provision of subsection (a), (b) or
39 (c) of this section.