

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 improve transparency in alleged police misconduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>6/11/2020</i>

HOUSE No.

By Mr. Markey of Dartmouth, a petition (subject to Joint Rule 12) of Christopher M. Markey relative to inquests by medical examiners. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to improve transparency in alleged police misconduct.

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 8 of Chapter 38 as appearing in the 2018 Official Edition is hereby amended by
2 striking out the Section and replacing it with the following:

3 Section 8. The chief medical examiner or his designee may request the attorney general
4 or the district attorney to direct that an inquest be held. The attorney general or district attorney
5 may, regardless of whether or not action has been taken by the office of the chief medical
6 examiner, require an inquest to be held in case of any death. The district court which has
7 jurisdiction over the matter shall thereupon hold an inquest.

8 The attorney general, district attorney, police chief, executive of a city, or select board of
9 a town may request an inquest, which is to be conducted by the attorney general or the district
10 attorney, to be held in any case in which there is reasonable suspicion that a law enforcement
11 officer, within their respective jurisdiction, while acting within the scope as a law enforcement
12 officer, engaged in conduct which violated any laws or regulations of the of the United States of

13 America, the Commonwealth of Massachusetts, or the city or town, and result of such violation,
14 caused serious bodily injury to another, as defined under chapter two hundred and sixty-five. The
15 district court which has jurisdiction over the matter shall thereupon hold an inquest.

16 The court shall give seasonable notice of the time and place of the inquest to the
17 department of telecommunications and energy, in any case of death by accident upon a public
18 conveyance regulated by said department, and to the registry of motor vehicles in any case of
19 death in which any motor vehicle is involved. Such notice shall also be given to any parent,
20 spouse, or other member of the deceased's immediate family or to the deceased's legal
21 representative or legal guardian.

22 Any person who has been identified by the attorney general, the district attorney, as the
23 case may be, as the target of an investigation in connection with the death of the deceased or
24 serious bodily injury of another, may be present during the holding of such inquest and be
25 represented by counsel, and may request leave of the court to present or examine witnesses, and
26 shall at the completion of the court's report of said inquest have the right to examine said report;
27 provided, however, that no indictment shall be dismissed nor shall any evidence be suppressed
28 for violation of the provisions of this paragraph. All other persons not required by law to attend
29 may be excluded from the inquest; provided, however, the complainant, the parents, guardian or
30 next of kin of the person whose death or serious bodily injury is the subject of the inquest shall
31 be deemed to be interested persons who may be present during the holding of such inquest. The
32 court may order, as it deems appropriate, that witnesses to be examined during the inquest be
33 sequestered.