

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran and David M. Rogers

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 the right to record activities of law enforcement officials while such officials are performing public business in public spaces.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>6/17/2020</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>6/17/2020</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>6/17/2020</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>6/17/2020</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>6/18/2020</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>6/18/2020</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>6/18/2020</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>6/18/2020</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>6/18/2020</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>6/18/2020</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>6/18/2020</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>6/18/2020</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>6/18/2020</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>6/18/2020</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>6/18/2020</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>6/18/2020</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>6/19/2020</i>

<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>6/19/2020</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>6/22/2020</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>6/22/2020</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>6/22/2020</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>6/23/2020</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>6/23/2020</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>6/23/2020</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>6/23/2020</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>6/23/2020</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>6/24/2020</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>6/24/2020</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>6/24/2020</i>

HOUSE No.

By Messrs. Moran of Lawrence and Rogers of Cambridge, a petition (subject to Joint Rule 12) of Frank A. Moran, David M. Rogers and others relative to the right to record law enforcement. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the right to record activities of law enforcement officials while such officials are performing public business in public spaces.

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 12 of the General Laws, is hereby amended by inserting after
2 section 34, the following section:-

3 Section 35. The Right to Record.

4 (a) Subject to reasonable time, place and manner restrictions, all persons shall have the
5 right to record activities of law enforcement officials while such officials are performing public
6 business in a public space, including on a public way, during traffic stops, and during
7 investigations outside of the police station or office, regardless of whether the law enforcement
8 official had knowledge of said recording.

9 (b) Law enforcement officials shall have no expectation of privacy while such officials
10 are performing public business in a public space, including on a public way, during traffic stops,
11 and during investigations outside of the police station or office.

12 (c) Under this section, it shall be deemed unreasonable for a law enforcement official to
13 interfere with, prevent, use force, seize or arrest a person for recording a law enforcement
14 official's communication in public, so long as the person videotaping a law enforcement official
15 does not impair the official's work in public spaces and in such circumstances the law
16 enforcement official is not eligible for the defense of qualified immunity.

17 (d) Any person prevented from recording a law enforcement official who is conducting
18 their business in public shall have the right to institute and prosecute in his own name and on his
19 own behalf, under sections 11H and 11I of this chapter, a civil action for injunctive and other
20 appropriate relief including the award of compensatory damages. Any aggrieved person or
21 persons who prevail in an action authorized by this section shall be entitled to an award of the
22 costs of the litigation and reasonable attorneys' fees in an amount to be fixed by the court.

23 (e) Recording of law enforcement official's conduct by a person under this section, shall
24 not be considered an interception of wire or oral communications and shall not be regarded as
25 "secret" for the purposes of section 99 of chapter 272 of the Massachusetts General Laws.

26 (f) For the purposes of this section, "law enforcement officer" means any officer in
27 Massachusetts, or a political subdivision of the state, who is empowered by law to conduct
28 investigations of, or to make arrests for the designated offenses.