

HOUSE No. 1479

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral, (BY REQUEST)

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 remove qualified immunity for civil rights violations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Caroline Mallary</i>		<i>2/19/2021</i>

HOUSE No. 1479

By Mr. Cabral of New Bedford (by request), a petition (accompanied by bill, House, No. 1479) of Caroline Mallary for legislation to remove qualified immunity for civil rights violations. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to remove qualified immunity for civil rights violations.

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, Section 11I of the General Laws is hereby amended by striking
2 out subsection (c) and inserting after paragraph (b) “It shall not be a defense or immunity to any
3 action brought under this section that the defendant was acting in good faith, or that the
4 defendant believed, reasonably or otherwise, that his or her conduct was lawful at the time when
5 it was committed. Nor shall it be a defense or immunity that the rights, privileges, or immunities
6 secured by the constitution or laws of the United States or the constitution or laws of the
7 commonwealth were not clearly established at the time of their deprivation by the defendant, or
8 that the state of the law was otherwise such that the defendant could not reasonably have been
9 expected to know whether his or her conduct was lawful. Nothing in this section shall affect the
10 provisions of chapter 258 with respect to indemnification of a person holding office under the
11 constitution acting within the scope of his official duties or employment.”.

12 SECTION 2. Chapter 258, Section 9 of the General Laws is hereby amended by striking
13 out, in line 1 of paragraph 1 “Public employers may indemnify public employees, and”. Said
14 Section 9 of chapter 258, as so appearing, is hereby further amended by striking out, in
15 paragraph 1, all instances of the words “employee or”.

16 SECTION 3. Said Section 9 of chapter 258, as so appearing, is hereby further amended
17 by striking out paragraph 2.

18 SECTION 4. Chapter 258, Section 8 of the General Laws is hereby amended by inserting
19 at the end “provided that such insurance shall not cover payment of damages incurred by an
20 individual employee who has been found responsible for a civil rights violation.”

21 SECTION 5. Chapter 258, Section 9A of the General Laws is hereby amended by
22 striking out paragraph 2.