

HOUSE No. 1855

The Commonwealth of Massachusetts

PRESENTED BY:

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 improper and discriminatory police reporting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/19/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>3/30/2021</i>

HOUSE No. 1855

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1855) of David M. Rogers, Elizabeth A. Malia and Marcos A. Devers for legislation to provide for private rights of action against persons intentionally summoning police officers without reason to suspect violations of criminal laws. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to improper and discriminatory police reporting.

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 Massachusetts General Laws is hereby
2 amended by adding a new subsection (b):

3 (b) A private right of action shall exist against any person who intentionally summons a
4 police officer without reason to suspect a violation of a criminal law, any criminal conduct or an
5 imminent threat to person or property by an individual or group of individuals, in whole or in
6 part because of a belief or perception regarding the race, color, national origin, ancestry, gender,
7 religion, religious practice, age, disability or sexual orientation of a person. An individual who
8 summons a police officer under such circumstances shall be liable in a private civil action
9 brought by the individual or group of individuals for injunctive relief, damages or other
10 appropriate relief. If it shall appear to the satisfaction of the court that the respondent has, in fact,
11 violated this section, an injunction may be issued by such court, enjoining and restraining any
12 further violation, without requiring proof that any person has, in fact, been injured or damaged

13 thereby. For the purposes of this section, a person lacks reason to suspect a violation of a
14 criminal law, any criminal conduct or an imminent threat to person or property if a reasonable
15 person would not suspect such a violation, conduct or threat based on the totality of the
16 circumstances.