

**HOUSE . . . . . No. 4357**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael P. Kushmerek and Angelo J. Puppolo, Jr.***

*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 providing increased protections from harassment and discrimination on the basis of height.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/5/2022</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/5/2022</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/5/2022</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>1/6/2022</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/20/2022</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>1/22/2022</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>1/22/2022</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/25/2022</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/9/2022</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>4/7/2022</i>

**HOUSE . . . . . No. 4357**

By Messrs. Kushmerek of Fitchburg and Puppolo of Springfield, a petition (subject to Joint Rule 12) of Michael P. Kushmerek, Angelo J. Puppolo, Jr., and others relative to height discrimination. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act providing increased protections from harassment and discrimination on the basis of height.

*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 32 of chapter 22C of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by striking out the definition “Hate crime” and inserting in  
3 place thereof the following definition:-

4 “Hate crime”, any criminal act coupled with overt actions motivated by bigotry and bias  
5 including, but not limited to, a threatened, attempted or completed overt act motivated at least in  
6 part by racial, religious, ethnic, handicap, height, gender, gender identity or sexual orientation  
7 prejudice, or which otherwise deprives another person of his constitutional rights by threats,  
8 intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of  
9 constitutional rights through harassment or intimidation. Hate crime shall also include, but not be  
10 limited to, acts that constitute violations of sections 37 and 39 of chapter 265, section 127A of  
11 chapter 266 and chapter 272.

12 SECTION 2. Section 37O of chapter 71 of the General Laws, as so appearing, is hereby  
13 amended by inserting after the word “origin”, in line 137, the following word:- , height.

14 SECTION 3. Section 89 of said chapter 71, as so appearing, is hereby amended by  
15 inserting after the word “origin”, in lines 98 and 349, in each instance, the following word:- ,  
16 height.

17 SECTION 4. Section 5 of chapter 76 of the General Laws, as so appearing, is hereby  
18 amended by inserting after the word “origin”, in line 11, the following word:- , height.

19 SECTION 5. Section 12B of said chapter 76, as so appearing, is hereby amended by  
20 inserting after the word “origin”, in line 196, the following word:- , height.

21 SECTION 6. Section 3 of chapter 151B of the General Laws, as so appearing, is hereby  
22 amended by inserting after the word “origin”, in lines 17 and 64, in each instance, the following  
23 word:- , height.

24 SECTION 7. Section 4 of said chapter 151B, as so appearing, is hereby amended by  
25 inserting after the word “origin”, in lines 3, 187, 201, 210, 221, 232, 266, 291, 298, 308, 358,  
26 366, 377, 479, 488, 492, 500, 634, 644, 821 and 831, in each instance, the following word:- ,  
27 height.

28 SECTION 8. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby  
29 amended by inserting after the word “origin”, in line 4, the following word:- , height.

30 SECTION 9. Section 14A of chapter 269 of the General Laws, as so appearing, is hereby  
31 amended by inserting after the word “section”, in line 10, the following words:- and section 14C.

32 SECTION 10. Said chapter 269 is hereby amended by inserting after section 14B the  
33 following section:-

34 Section 14C. (a) Whoever photographs a person with a disability without the person's  
35 consent and conveys the photograph by electronic communication or publishes the photograph in  
36 print for the sole purpose of harassing, annoying or molesting the person or the person's family  
37 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3  
38 months, or by both such a fine and imprisonment.

39 (b) Whoever videotapes a person with a disability without the person's consent and  
40 conveys the video by electronic communication or publishes a still photograph contained within  
41 the video in print for the sole purpose of harassing, annoying or molesting the person or the  
42 person's family shall be punished by a fine of not more than \$500 or by imprisonment for not  
43 more than 3 months, or by both such a fine and imprisonment.

44 SECTION 11. Section 92A of chapter 272 of the General Laws, as appearing in the 2018  
45 Official Edition, is hereby amended by inserting after the word "object", in line 11, the following  
46 word:- , height.

47 SECTION 12. Section 98 of said chapter 272, as so appearing, is hereby amended by  
48 inserting after the word "origin", in line 2, the following word:- , height.

49 SECTION 13. The Massachusetts commission against discrimination shall adopt,  
50 promulgate, amend and rescind rules and regulations or formulate policies and make  
51 recommendations to effectuate the purposes of sections 2 to 9, inclusive.