SENATE DOCKET, NO. 1880 FILED ON: 2/18/2021

SENATE . . . . . No. 1637

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 use of chemical weapons against civilians.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*

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SENATE . . . . . No. 1637

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1637) of Rebecca L. Rausch for legislation relative to the use of chemical weapons against civilians. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act relative to the use of chemical weapons against civilians.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 14 of chapter 6E of the General Laws is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraphs:-

(e) When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.

(f) A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon. A law enforcement officer shall not discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless: (i) de-escalation tactics have been attempted and failed or

are not feasible based on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent harm of serious physical injury or death and the foreseeable harm inflicted by the rubber pellets or dog is proportionate to the threat of imminent harm of serious physical injury or death. If a law enforcement officer utilizes or orders the use rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the commission detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the rubber pellets or dog. The commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such rubber pellets or dog was justified.