

SENATE No. 993

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 addressing discriminatory police reporting.

PETITION OF:

NAME:

Sal N. DiDomenico

DISTRICT/ADDRESS:

Middlesex and Suffolk

SENATE No. 993

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 993) of Sal N. DiDomenico for legislation to address discriminatory police reporting. The Judiciary.

The Commonwealth of Massachusetts

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

An Act addressing 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 General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following paragraph:-

3 A private civil right of action shall exist against any individual who knowingly makes a
4 false call to law enforcement or otherwise intentionally summons a law enforcement officer or
5 agent, without reason to suspect a violation of a criminal law, any criminal conduct or an
6 imminent threat to person or property by an individual or group of individuals, in whole or in
7 part because of a belief or perception of the race, color, national origin, ancestry, gender,
8 religion, religious practice, age, disability, sexual orientation or gender identity of the individual
9 or group of individuals. The private civil action may be brought by the individual or group of
10 individuals for injunctive relief, damages or other appropriate relief. If the court determines in
11 any such action that the respondent has violated this section, an injunction may be issued by such
12 court, enjoining and restraining any further violation, without requiring evidence that any person
13 has been injured or damaged. For the purposes of this section, a person shall lack reason to

14 suspect a violation of a criminal law, any criminal conduct or an imminent threat to person or
15 property if a reasonable person would not suspect such a violation, conduct or threat based on the
16 totality of the circumstances.

17 SECTION 2. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
18 amended by adding the following subsection:-

19 (c) Whoever knowingly makes a false police report or summons a law enforcement
20 officer, without reason to suspect a violation of a criminal law, any criminal conduct or an
21 imminent threat to person or property by an individual or group of individuals, in whole or in
22 part because of a belief or perception of the race, color, national origin, ancestry, gender,
23 religion, religious practice, age, disability, sexual orientation or gender identity of the individual
24 shall be punished by a fine of not more than 5 thousand dollars or by imprisonment in a house of
25 correction for not more than 2 ½ years or by both such fine and imprisonment. The court may
26 also order restitution to the victim for property damage in an amount of not more than 3 times the
27 value of property damage sustained by the owners of such property. For the purposes of this
28 section, a person shall lack reason to suspect a violation of a criminal law, any criminal conduct
29 or an imminent threat to person or property if a reasonable person would not suspect such a
30 violation, conduct or threat based on the totality of the circumstances.