HOUSE . . . . . No. 4321

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 8, 2024.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 1004) of Adam Gomez and Erika Uyterhoeven for legislation to reform the Massachusetts civil rights act, and the petition (accompanied by bill, House, No. 1440) of Michael S. Day relative to interference or attempted interference by threats, intimidation or coercion in civil rights actions, reports recommending that the accompanying bill (House, No. 4321) ought to pass.

For the committee,

MICHAEL S. DAY.

FILED ON: 2/2/2024

HOUSE . . . . . No. 4321

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to civil rights.

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

SECTION 1. Section 11H of chapter 12 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting, in line 9, after the word "secured", the following:- ; provided, however, that in an action brought under this section against a law enforcement officer, as defined in section 1 of chapter 6E, for conduct under color of law, proof shall not be required that the interference or attempted interference was by threats, intimidation or coercion.

SECTION 2. Said section 11H of said chapter 12 of the General Laws, as so appearing, is hereby further amended by striking, in lines 39-41, the words "interference by threat, intimidation or coercion, or attempted interference by threats, intimidation or coercion," and inserting in place thereof the following: - interference or attempted interference.

SECTION 3. Said section 11H of said chapter 12 of the General Laws, as so appearing, , is hereby further amended by inserting, after subsection (b), the following subsection: -

(c) When granting a claim of immunity from civil liability in an action brought pursuant to this section or section 11I of this chapter against a law enforcement officer, as defined in section 1 of chapter 6E, the court shall also make a determination in writing as to whether the conduct alleged, if proven at trial, interfered with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth.

SECTION 4. Section 11I of said chapter 12 of the General Laws, as so appearing, is hereby amended by inserting, in line 8, after the word “damages.” the following: - In an action brought under this section against a law enforcement officer, as defined in section 1 of chapter 6E, for conduct under color of law, proof shall not be required that the interference or attempted interference was by threats, intimidation or coercion.