

# HOUSE . . . . . No. 4323

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 8, 2024.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 1022) of Jason M. Lewis for legislation to protect the privacy of 911 callers, and the petition (accompanied by bill, House, No. 1442) of Michael S. Day relative to audio recordings and written transcripts of phone calls made to the 911 emergency system, reports recommending that the accompanying bill (House, No. 4323) ought to pass.

For the committee,

MICHAEL S. DAY.

**HOUSE . . . . . No. 4323**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act to protect the privacy of 911 callers.

*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. Chapter 6A of the Massachusetts General Laws is hereby amended by  
2 striking out section 18G and inserting in place thereof the following section:-

3           Section 18G. (a) The department shall require that each PSAP that possesses enhanced  
4 911 service shall retain 911 recordings for a period of not less than 1 year.

5           (b) The audio recording of a call placed to a PSAP, regional emergency communication  
6 center or other 911 system for the purpose of requesting law enforcement, firefighting, medical,  
7 ambulance, emergency service provider or other emergency services shall not be deemed a  
8 public record under the provisions of section 7 of chapter 4 and shall be maintained in a manner  
9 that assures its confidentiality; provided, however, that the audio recording may be provided: (i)  
10 to the person who made the subject 911 call, their attorney or representative; (ii) to any person  
11 for whom emergency services were requested during the subject 911 call, their attorney or  
12 representative; (iii) to law enforcement agencies as defined in section 1 of chapter 6E for  
13 investigative purposes; (iv) to a prosecuting attorney, a defendant or a defendant’s attorney in a

14 criminal proceeding involving facts or circumstances relating to the call; (v) with the express  
15 written consent of the person who made the subject call or the caller's attorney; (vi) for public  
16 safety and emergency medical services training purposes; or (vii) pursuant to a court order  
17 finding that the right of the public to the release of the recording outweighs the privacy interests  
18 of the caller, the victim(s), or any person involved in the facts or circumstances relating to the  
19 911 call. A violation of this section shall be punishable by a fine of not more than \$1,000.

20 (c) A written transcript of the audio recording of a 911 call is a public record. A transcript  
21 shall be prepared upon request. The person requesting the transcript shall pay the actual cost of  
22 transcribing the call and any other costs related to transcript preparation. Before providing the  
23 transcript, the name, address, telephone number and other personally identifying information of  
24 the caller or any person involved in the facts or circumstances relating to the 911 call may be  
25 redacted.