

HOUSE No. 1707**The Commonwealth of Massachusetts**

PRESENTED BY:

Tram T. Nguyen

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 malicious doxing of personal information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/18/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>2/14/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>11/28/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>11/29/2023</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>11/29/2023</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>11/30/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>12/2/2023</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>12/6/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>12/6/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>12/14/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/11/2024</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>1/19/2024</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>1/24/2024</i>

HOUSE No. 1707

By Representative Nguyen of Andover, a petition (accompanied by bill, House, No. 1707) of
Tram T. Nguyen and Simon Cataldo relative to the malicious doxing of personal information.
The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the malicious doxing of personal information.

*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 214 of the General Laws is hereby amended by inserting after
2 section 3B the following section:-

3 Section 3C. Malicious Doxing

4 (a) For the purposes of this section, the following words shall have the following
5 meanings, unless the context clearly requires otherwise:

6 “Disseminate”, disclose, distribute, share, publish, exhibit, advertise, release, transfer or
7 otherwise make available.

8 “Family member”, an individual’s parent, grandparent, sibling, spouse, domestic partner,
9 child, stepchild, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-
10 in-law or sister-in-law.

“Gender-affirming health care services”, all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.

“Harassment”, conduct constituting the crime of criminal harassment pursuant to section 43A of chapter 265 of the General Laws.

“Personal information”, information that:

(i) identifies, relates to or is reasonably capable of being associated with a specific individual or such individual’s family member; and

(ii) reveals such individual's or such individual family member’s:

(1) home address, including a primary or secondary residence;

(2) home phone number or cellphone number;

(3) social security number;

(4) electronic mail address; or

(5) school or employment location.

“Reproductive health care services”, all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy.

“Stalking”, conduct constituting the crime of stalking pursuant to section 43 of chapter 265 of the General Laws.

(b) A plaintiff may bring a civil action in the superior court against another person for the malicious doxing of personal information if the plaintiff establishes by a preponderance of the evidence that:

(i) the person knowingly disseminated the personal information of the plaintiff or the plaintiff’s family member;

(ii) the person knew or reasonably should have known that the plaintiff or the plaintiff’s applicable family member did not consent to the dissemination of their personal information;

(iii) the person disseminated the personal information with the malicious intent to cause, aid, encourage or facilitate the harassment, stalking, death or bodily injury of the plaintiff or the plaintiff’s family member; and

(iv) the dissemination of the personal information:

(1) poses an imminent and serious threat to the safety of the plaintiff or the plaintiff’s family member; provided, however, that the person disseminating the personal information knows or reasonably should know of the imminent and serious threat;

(2) results in the harassment, stalking, death or bodily injury of the plaintiff or the plaintiff’s family member; or

(3) would cause a reasonable individual to fear the harassment, stalking, death or bodily injury of the individual or the individual’s family member.

(c) A plaintiff who prevails in a claim under this section may recover actual damages, punitive damages, injunctive relief, reasonable attorney fees, and any other appropriate equitable relief.

(d) In determining the overall amount of damages to assess against a person, the court shall consider whether the personal information was disseminated along with other sensitive information about the individual or the individual's family member, including but not limited to, information concerning:

(i) the racial or ethnic origin, citizenship or immigration status, sexual orientation or religious beliefs of the individual or the individual's family member;

(ii) the past or present mental or physical health condition, disability, diagnosis or treatment of the individual or the individual's family member; or

(iii) whether the individual or the individual's family member is seeking, providing, facilitating or promoting gender-affirming or reproductive health care services.

(e) A person found liable under this section shall be jointly and severally liable with each other person found liable under this section for the damages, reasonable attorney fees and costs awarded by the court arising from the same violation of this section.

(f) This section shall not be construed to impose liability on any of the following entities:

(i) an interactive computer service, as such term is used in 47 U.S.C. 230; (ii) an information service provider, telecommunications provider, interconnected VoIP provider or a mobile service provider, as such terms are used in 47 U.S.C. 153; (iii) a commercial mobile service provider, as such term is used in 47 U.S.C. sec. 332(d); or (iv) a cable operator, as such term is used in 47

U.S.C. sec. 522; provided, however, that the entity is acting in its capacity as a provider of such services and the content in question is provided by another person other than the entity.

(g) This section shall not apply to the dissemination of personal information:

(i) for the purposes of reporting conduct reasonably believed to be unlawful;

(ii) gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly; or

(iii) for the purposes of a party's exercise of its right to petition, as such term is defined in section 59H of chapter 231 of the General Laws.

(h) An action under this section shall be commenced not later than two years after the occurrence of the conduct that gives rise to a claim for relief.

SECTION 2. Section 1 of this act applies to conduct occurring on or after the effective date of this act.