

SENATE No. 1581

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 banning the use of tear gas against civilians.

PETITION OF:

NAME:

Rebecca L. Rausch

DISTRICT/ADDRESS:

Norfolk, Worcester and Middlesex

SENATE No. 1581

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1581) of Rebecca L. Rausch for legislation to band the use of tear gas against civilians. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act banning the use of tear gas 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:

1 SECTION 1. Section 14 of chapter 6E of the General Laws is hereby amended by
2 striking out paragraph (e) and inserting in place thereof the following paragraph:-

3 (e) When a police department has advance knowledge of a planned mass demonstration,
4 it shall attempt in good faith to communicate with organizers of the event to discuss logistical
5 plans, strategies to avoid conflict and potential communication needs between police and event
6 participants. The department shall make plans to avoid and de-escalate potential conflicts and
7 designate an officer in charge of de-escalation planning and communication about the plans
8 within the department. A law enforcement officer shall not discharge or order the discharge of
9 tear gas or any other chemical weapon. A law enforcement officer shall not discharge or order
10 the discharge of rubber pellets from a propulsion device or release or order the release of a dog to
11 control or influence a person’s behavior unless: (i) de-escalation tactics have been attempted and
12 failed or are not feasible based on the totality of the circumstances; and (ii) the measures used are
13 necessary to prevent imminent harm and the foreseeable harm inflicted by the rubber pellets or

14 dog is proportionate to the threat of imminent harm. If a law enforcement officer utilizes or
15 orders the use rubber pellets or a dog against a crowd, the law enforcement officer's appointing
16 agency shall file a report with the commission detailing all measures that were taken in advance
17 of the event to reduce the probability of disorder and all de-escalation tactics and other measures
18 that were taken at the time of the event to de-escalate tensions and avoid the necessity of using
19 the rubber pellets or dog. The commission shall review the report and may make any additional
20 investigation. After such review and investigation, the commission shall, if applicable, make a
21 finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and
22 whether the use of or order to use such rubber pellets or dog was justified.