

SENATE No. 971

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 971

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 971) of Barry R. Finegold for legislation 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.

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

14 “Harassment”, conduct constituting the crime of criminal harassment pursuant to section
15 43A of chapter 265 of the General Laws.

16 “Personal information”, information that:

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

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

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

21 (2) home phone number or cellphone number;

22 (3) social security number;

23 (4) electronic mail address; or

24 (5) school or employment location.

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

29 “Stalking”, conduct constituting the crime of stalking pursuant to section 43 of chapter
30 265 of the General Laws.

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

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

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

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

41 (iv) the dissemination of the personal information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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