

HOUSE No. 1752

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

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 to protect children in extreme temperatures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/16/2025</i>

HOUSE No. 1752

By Representative Hogan of Stow, a petition (accompanied by bill, House, No. 1752) of Kate Hogan relative to unattended child in motor vehicles. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to protect children in extreme temperatures.

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

1 Chapter 90 of the General Laws is hereby amended by inserting after section 22I the
2 following section:

3

4 Section 22J.

5 (a) As used in this section:

6 “child” means a person under the age of three.[]

7 “unattended” means alone or in a motor vehicle with a person under the age of thirteen.[]

8 (b) A person shall not confine an unattended child in a motor vehicle in a manner that
9 could reasonably be expected to threaten the health of the child due to exposure to extreme heat
10 or cold.

11 (c) After making reasonable efforts to locate a motor vehicle's owner, a law enforcement
12 officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health
13 and safety of an unattended child. A law enforcement officer or fire fighter may enter the motor
14 vehicle for the sole purpose of assisting the child and may not search the vehicle or seize items
15 found in the vehicle unless otherwise permitted by law.

16 (d) If the child must be removed from the area, a law enforcement officer or fire fighter
17 who removes or otherwise retrieves an unattended child under this section shall leave written
18 notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire
19 fighter's name and title and the address of the location where the child may be retrieved.

20 (e) A law enforcement officer or fire fighter who removes or otherwise retrieves an
21 unattended child from a motor vehicle under subsection (c), and the agency or municipality that
22 employs the officer or fire fighter shall be immune from criminal or civil liability that might
23 otherwise result from the removal.

24 (f) After making reasonable efforts to locate a motor vehicle's owner, a person other than
25 a law enforcement officer or fire fighter shall not enter a motor vehicle to remove an unattended
26 child to protect the health and safety of that child in immediate danger unless the person: (i)
27 notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor
28 vehicle is locked or there is no other reasonable means for exit and uses not more force than
29 reasonably necessary to enter the motor vehicle and remove the child; (iii) has a good faith and
30 reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably
31 necessary to prevent imminent danger or harm to the child; and (iv) remains with the child in a

32 safe location in reasonable proximity to the vehicle until law enforcement or another first
33 responder arrives.

34 (g) A person who removes a child from a motor vehicle pursuant to subsection (f) shall
35 be immune from criminal or civil liability that might otherwise result from the removal.

36 (h) A violation of subsection (b) shall be a civil infraction punishable by a fine of not
37 more than \$150 for a first offense, by a fine of not more than \$300 for a second offense and by a
38 fine of not more than \$500 for a third or subsequent offense.

39 (i) Nothing in this section shall preclude prosecution under section 13L of chapter 265.[]

40 Chapter 265 of the General Laws is hereby amended by inserting after section 13L the
41 following section:

42 Section 13L1/2

43 Whoever negligently leaves a child in a motor vehicle in violation of section 22J of
44 chapter 90 and by such leaving causes serious bodily injury to the child shall be punished by
45 imprisonment in the state prison for not more than 10 years or in the house of correction for not
46 more than 2 ½ years.

47 For the purposes of this section, "serious bodily injury" shall mean bodily injury that
48 results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a
49 substantial risk of death.

50 For the purposes of this statute, "negligent" shall mean failing to use that degree of care
51 which a reasonably prudent person would use under the circumstances.

52 Section 26 of Chapter 218 is hereby amended by inserting, after the words “sections
53 thirteen K” in line 15, “13L1/2.”