

SENATE No. 1085

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 civil remedies for sexual assault by an officer.

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No. 1085

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1085) of James B. Eldridge for legislation to implement civil remedies for sexual assault by an officer. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to civil remedies for sexual assault by an officer.

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 11I of chapter 12 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by adding the following paragraph:-

3 Any person whose exercise or enjoyment of rights has been interfered with, or attempted
4 to be interfered with, by the conduct of a law enforcement officer in violation of sections 13H ½
5 or 22 of chapter 265 while the person was under the officer's control, may institute and prosecute
6 in his own name and on his own behalf a civil action for injunctive and other appropriate
7 equitable relief as provided for in section 11H of this chapter, including the award of
8 compensatory money damages. To prevail on a claim pursuant to this paragraph, a plaintiff does
9 not need to demonstrate that: (1) the defendant engaged in threats, intimidation or coercion; or
10 (2) the defendant's violation was contrary to clearly established statutory or constitutional rights
11 of which a reasonable person would have known. For purposes of this section, “control” shall
12 include, but not be limited to, supervising a person under the age of 18 who is in a law
13 enforcement training program; interacting with a person being questioned, investigated or

14 detained; communicating the power to charge or arrest a person, whether explicitly or implicitly,
15 regardless of whether such power could lawfully be exercised; or otherwise exercising or
16 attempting to exercise influence while acting under color of law. Any aggrieved person or
17 persons who prevail in an action authorized by this section shall be entitled to an award of the
18 costs of the litigation and reasonable attorneys' fees in an amount to be fixed by the court.