SENATE . . . . . No. 3193

The Commonwealth of Massachusetts

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

SENATE, July 22, 2026.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, Senate, No. 1143) of Robyn K. Kennedy for legislation relative to privileged communications in defamation actions, report the accompanying bill (Senate, No. 3193).

For the committee,
Lydia Edwards

FILED ON: 7/21/2026

SENATE . . . . . No. 3193

The Commonwealth of Massachusetts

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

An Act relative to privileged communications in defamation actions.

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

Chapter 278 of the General Laws is hereby amended by inserting after section 35 the following sections:

Section 36. (a) A civil action cannot be maintained against any person, firm or corporation, for the publication of a fair and true report of any judicial proceeding, legislative proceeding or other official proceeding, or for any heading of the report which is a fair and true headnote of the statement published.

(b) This section shall not apply to a libel contained in any other matter added by any person concerned in the publication or in the report of anything said or done at the time and place of such a proceeding which was not a part thereof.

(c) A communication made by an individual, without malice, regarding an incident of sexual assault, harassment, or discrimination shall be deemed privileged.

(d) A prevailing defendant in any defamation action brought against such defendant for making a communication that is privileged under subsection (a) of this section shall be entitled to their reasonable attorney's fees and costs for successfully defending themselves in such litigation, plus treble damages for any harm caused to them by the defamation action against them, in addition to punitive damages available or any other relief otherwise permitted by law.

(e) This section shall only apply to an individual that has, or at any time had, a reasonable basis to file a complaint of sexual assault, harassment, or discrimination, whether the complaint is, or was, filed or not.

(f) The following, as used in this chapter, unless the text otherwise requires or a different meaning is specifically required, shall mean—

"Communication," factual information related to an incident of sexual assault, harassment, or discrimination experienced by the individual making the communication, including, but not limited to, any of the following: i) an act of sexual assault; ii) an act of sexual harassment; iii) an act of workplace harassment or discrimination, failure to prevent an act of workplace harassment or discrimination, aiding, abetting, inciting, compelling, or coercing an act of workplace harassment or discrimination, or an act of retaliation against a person for reporting or opposing workplace harassment or discrimination; or iv) an act of harassment or discrimination, or an act of retaliation against a person for reporting harassment or discrimination, by the owner of a housing accommodation.