

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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 combating hate in the Commonwealth.

PETITION OF:

NAME:

Adam Gomez

Attorney General Andrea Joy Campbell

DISTRICT/ADDRESS:

Hampden

One Ashburton Place, Boston, MA 02108

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to combating hate in the Commonwealth.

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 11A of chapter 12 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by adding the following new paragraphs:

3 Whenever the division of civil rights and liberties believes that any person has engaged,
4 or is engaging, in any act or practice in violation of any law enforced by the division, or under
5 investigation by the division, the division may, prior to the commencement of any civil action,
6 issue in writing and cause to be served upon such person a civil investigative demand requiring
7 such person to produce for inspection and copying any documentary material, or other material
8 of whatever nature, that is relevant to the act or practice; to answer written interrogatories in
9 writing and under oath; to give oral testimony under oath; or to furnish any combination of such
10 material, answers or testimony.

11 A civil investigative demand issued pursuant to this section shall be subject to the
12 provisions set forth in paragraphs two through seven of section 6, and section 7, of chapter 93A;
13 provided, however, that the attorney general may, at her discretion, file a petition in the superior

14 court of Suffolk County to alter, amend, or waive any applicable provision as may be appropriate
15 to promote the public interest.

16 SECTION 2. Section 11I of said chapter 12 of the General Laws, as so appearing, is
17 hereby amended by adding the following two paragraphs:

18 Any aggrieved person who demonstrates by a preponderance of the evidence that any
19 violation of this section involved overt actions demonstrating, or was motivated in whole or part
20 by prejudice or bias based upon race, color, religion, national origin, ethnicity, immigration
21 status, sex, gender, gender expression, sexual orientation, gender identity, or disability may also
22 be awarded statutory damages in an amount up to \$5,000.00 per violation, plus punitive damages
23 in an amount to be determined by the court. Further, the court may order such injunctive or other
24 equitable relief as it determines is appropriate, based upon the totality of the circumstances, to
25 promote the public interest and protect the peaceable exercise or enjoyment of rights secured by
26 the constitution or laws of the United States, and of rights secured by the constitution or laws of
27 the commonwealth, throughout the commonwealth. The injunctive and equitable relief available
28 under this paragraph shall be the same as in an action brought under section 11H. Violations of
29 injunctive terms granted in the public interest pursuant to this paragraph shall be enforceable
30 only through criminal and civil contempt.

31 Nothing in this section shall limit or restrict the Attorney General's authority to bring any
32 action, or seek any relief, under section 11H or any other law.

33 SECTION 3. Chapter 22C of the General Laws, as so appearing, is hereby amended by
34 striking section 33 and inserting in place thereof following section:-

35 Section 33. (a) The crime reporting unit shall quarterly obtain hate crime data from state,
36 local, and campus police, and other law enforcement agencies as well as hate crime information
37 and reports voluntarily produced by non law-enforcement entities such as community groups,
38 advocacy groups, and civil rights agencies. All police departments and law enforcement agencies
39 shall submit reports of hate crimes to the unit.

40 (b) The colonel shall promulgate regulations to standardize and centralize the submission
41 and collection of hate crime data. Said regulations shall include, but not be limited to, the
42 following: (1) establishment of a central repository for the collection and analysis of hate crime
43 data and, upon the establishment of such repository, the crime reporting unit shall be responsible
44 for collecting, analyzing, classifying and reporting such data, and shall maintain this information
45 in the central repository; (2) procedures necessary to ensure effective data-gathering and
46 preservation and protection of confidential information, and the disclosure of information in
47 accordance with section 35; (3) procedures for the solicitation, submission and acceptance of
48 hate crime incident reports and the information to be included in such reports by law
49 enforcement agencies, which shall include, but not be limited to, the demographic information of
50 the alleged offenders, the perceived protected characteristics for which the victims was targeted,
51 and the actual protected characteristics of the victims, if provided by the victims; (4) procedures
52 for assessing the credibility and accuracy of reports of hate crime data from law enforcement
53 agencies; and (5) procedures for the collection of hate crime information and reports voluntarily
54 produced by non law-enforcement entities such as community groups, advocacy groups, and
55 civil rights agencies.

56 SECTION 4. Section 34 of said chapter 22C of the General Laws, as so appearing, is
57 hereby amended by inserting after the word “shall” in line 3 the following words:- quarterly and
58 annually.

59 SECTION 5. Subsection (a) of section 39 of chapter 265 of the General Laws, as so
60 appearing, is hereby amended by striking the first sentence and inserting in place thereof the
61 following sentence:

62 Whoever commits an assault or a battery upon a person or damages the real or personal
63 property of another with the intent to intimidate a person because of such person's race, color,
64 religion, national origin, ethnicity, immigration status, sex, gender, gender expression, sexual
65 orientation, gender identity, or disability shall be punished by a fine of not more than five
66 thousand dollars or by imprisonment in a house of correction for not more than two and one-half
67 years, or by both such fine and imprisonment.