

# SENATE . . . . . No.

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## The Commonwealth of Massachusetts

PRESENTED BY:

***William N. Brownsberger***

*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 violations of the United States Constitution under color of law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Suffolk and Middlesex</i>	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Pavel M. Payano</i>	<i>First Essex</i>	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/11/2026</i>

# SENATE . . . . . No.

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By Mr. Brownsberger, a petition (accompanied by bill) (subject to Joint Rule 12) of William N. Brownsberger, Cindy F. Friedman, Pavel M. Payano, Cynthia Stone Creem and other members of the General Court for legislation relative to violations of the United States Constitution under color of law. The Judiciary.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
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An Act relative to violations of the United States Constitution under color of law.

*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 12 of the General Laws, as appearing in the 2024 Official Edition,  
2 is hereby amended by inserting after Section 11I 3/4 the following new section:-

3           Section 11I 5/6. (a) Every person who, under color of any statute, ordinance, regulation,  
4 custom, or usage, of any State or Territory or the District of Columbia or the United States,  
5 subjects or causes to be subjected, any citizen of the Commonwealth or other person within the  
6 jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the  
7 United States Constitution, shall be liable to the party injured in an action at law, suit in equity,  
8 or other proper proceeding for redress, except that in any action brought against a judicial officer  
9 for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be  
10 granted unless a declaratory decree was violated or declaratory relief was unavailable.

11 (b) Any defense under 42 U.S.C. § 1983 available to a defendant alleged to have acted  
12 under the color of any state or municipal law, is likewise and to the same extent available in  
13 defense of an action brought under subsection (a).

14 (c) Any aggrieved person or persons who prevail in an action authorized by subsection  
15 (a) shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an  
16 amount to be fixed by the court, to the same extent as provided for by 42 U.S.C. § 1988.

17 (d) Any aggrieved person or persons who bring a claim under subsection (a) must, at the  
18 time of filing said claim, provide notice to the Attorney General and certify to the court where  
19 said claim is filed that such notice has been provided.