

HOUSE No. 1440

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/20/2023</i>

HOUSE No. 1440

By Representative Day of Stoneham, a petition (accompanied by bill, House, No. 1440) of Michael S. Day relative to interference or attempted interference by threats, intimidation or coercion in civil rights actions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1522 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to civil rights.

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 11H of chapter 12 of the General Laws, as appearing in the 2020
2 Official Edition, as amended by section 37 of chapter 253 of the acts of 2020, is hereby amended
3 by inserting, in line 32, after the word “secured”, the following:- ; provided, however, that in an
4 action brought under this section against a law enforcement officer, as defined in section 1 of
5 chapter 6E, for conduct under color of law, proof shall not be required that the interference or
6 attempted interference was by threats, intimidation or coercion.

7 SECTION 2. Said section 11H of said chapter 12 of the General Laws, as so appearing,
8 as amended by section 37 of chapter 253 of the acts of 2020, is hereby further amended by
9 striking, in lines 62-64, the words “interference by threat, intimidation or coercion, or attempted

10 interference by threats, intimidation or coercion,” and inserting in place thereof the following: -
11 interference or attempted interference.

12 SECTION 3. Said section 11H of said chapter 12 of the General Laws, as so appearing,
13 as amended by section 37 of chapter 253 of the acts of 2020, is hereby further amended by
14 inserting, after subsection (b), the following subsection: -

15 (c) When granting a claim of immunity from civil liability in an action brought pursuant
16 to this section or section 11I of this chapter against a law enforcement officer, as defined in
17 section 1 of chapter 6E, the court shall also make a determination in writing as to whether the
18 conduct alleged, if proven at trial, interfered with the exercise or enjoyment by any other person
19 or persons of rights secured by the constitution or laws of the United States, or of rights secured
20 by the constitution or laws of the commonwealth.

21 SECTION 4. Section 11I of said chapter 12 of the General Laws, as so appearing, is
22 hereby amended by inserting, in line 8, after the word “damages.” the following: - In an action
23 brought under this section against a law enforcement officer, as defined in section 1 of chapter
24 6E, for conduct under color of law, proof shall not be required that the interference or attempted
25 interference was by threats, intimidation or coercion.