

HOUSE No. 03146

The Commonwealth of Massachusetts

PRESENTED BY:

John P. Fresolo

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 passage of the accompanying bill:

An Act relative to a policeman's bill of rights

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PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|--|
| <i>John P. Fresolo</i> | <i>16th Worcester</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |
| <i>Raymond McGrath</i> | <i>159 Burgin Parkway</i> <input type="checkbox"/> <i>Quincy, MA 02169-4213</i> |

HOUSE No. 03146

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 3146) of Puppolo and Fresolo relative to the rights of police officers accused of alleged misconduct Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1380 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to a policeman's bill of 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. Chapter 31 of the General Laws, as appearing in 2 the 2000 Official Edition, is
2 hereby amended by adding the 3 following new section:--

3 Section 41B. The interrogations into alleged misconduct of a police officer shall take place at a
4 location designated by the investigating officer. The officer shall be informed of the rank, name
5 and command of the officer in charge of the investigation and of all persons present during the
6 interrogation. The officer shall be informed of the nature of the interrogation and shall be
7 informed of the name of all complainants. The interrogation shall be conducted at a reasonable
8 hour and in a reasonable manner, preferably at a time when the officer is on duty. Interrogation

9 sessions shall be for reasonable periods and 14 shall be flexible to allow for personal necessities.
10 The law enforcement officer shall not be subject to offensive language or be threatened with
11 transfer, dismissal, or disciplinary action. If the police officer is under arrest or is likely to be
12 placed 18 under arrest, he shall be completely informed of all his rights prior to commencement
13 of the interrogation. At the officer's request, he shall have the right to be represented by counsel.
14 All questions and answers shall be recorded by a stenographer. No law enforcement officer shall
15 be discharged, disciplined, demoted, denied transfer or reassignment with regard to his
16 employment, or be threatened with any such treatment by reason of his exercise of the rights
17 granted by this section.

18 SECTION 2. Section 25 of Chapter 268A of the General Laws, as appearing in the 1988 Official
19 Edition, is further amended by adding after the fifth paragraph the following new paragraph:--
20 Police officers charged with alleged misconduct committed during the course of duty shall be
21 subject to the provisions of sections 41, 41B and 43 of Chapter 31 of the General Laws.

22 SECTION 3. Section 43 of Chapter 31 of the General Laws, as appearing in the 1988 Official
23 Edition, is hereby further amended by adding in line two after the word "forty-one" the
24 following:-- "or forty-one B, he".

25 SECTION 4. Section 9A of Chapter 258 of the General Laws, as appearing in the 1988 Official
26 Edition, is hereby amended by inserting in line two after the words "capitol police", the
27 following:-- "a municipal police officer".

28 SECTION 5. Section 9A of Chapter 258 of the General Laws, as appearing in the 1988 Official
29 Edition, is hereby amended by inserting in line 11 and line 23, after the words "capitol police"
30 the following:-- "municipal police officers"