

HOUSE No. 4103

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

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 to ensure the responsible use of advanced robotic technologies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>9/12/2023</i>

HOUSE No. 4103

By Representative Sabadosa of Northampton, a petition (subject to Joint Rule 12) of Lindsay N. Sabadosa relative to the responsible use of certain advanced robotic technologies. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to ensure the responsible use of advanced robotic technologies.

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 140 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 122D the following section:—

3 Section 122E.

4 (a) As used in this section, the following words shall have the following meanings:—

5 “Robotic device,” means a mechanical device capable of locomotion, navigation, or
6 movement on the ground and that operates at a distance from its operator(s) or supervisor(s),
7 based on commands or in response to sensor data, or a combination of those;

8 “Uncrewed aircraft” means an aircraft that is operated without the possibility of direct
9 human intervention from within or on the aircraft; and

10 “Weapon” means any device designed to threaten or cause death, incapacitation, or
11 physical injury to any person, including but not limited to stun guns, firearms, machine guns,
12 chemical agents or irritants, kinetic impact projectiles, weaponized lasers, and explosive devices.

13 (b) Within the commonwealth, it shall be unlawful for any person, whether or not acting
14 under color of law, to manufacture, modify, sell, transfer, or operate a robotic device or an
15 uncrewed aircraft equipped or mounted with a weapon.

16 (c) Within the commonwealth, it shall be unlawful for any person, whether or not acting
17 under color of law, to use a robotic device or uncrewed aircraft to (i) commit the crime of threats
18 established in section 2 of chapter 275 of the general laws, or (ii) criminally harass another
19 person in terms of section 43A of chapter 265 of the general laws.

20 (d) Within the commonwealth, it shall be unlawful for any person, whether or not acting
21 under color of law, to use a robotic device or uncrewed aircraft to physically restrain or to
22 attempt to physically restrain a human being.

23 (e) Whoever knowingly violates the provisions of paragraphs (b), (c), and (d) shall be
24 required to pay a fine of not less than five thousand nor more than twenty-five thousand dollars.
25 Such fine shall be imposed in addition to any other penalty imposed pursuant to the general laws.

26 (f) This section shall not apply to:

27 (i) defense industrial companies under contract with the Department of Defense with
28 respect to robotic devices and uncrewed aircraft being developed or produced under that
29 contract;

30 (ii) to a defense industrial company that obtains a waiver from the Attorney General, as to
31 robotic devices and uncrewed aircraft that are covered by such a waiver; or

32 (iii) to a robotics company that obtains a waiver from the Attorney General for the
33 purpose of testing anti-weaponization technologies, as to the robotic devices and uncrewed
34 aircraft that are covered by such a waiver.

35 (g) It shall not be a violation of this section for government officials acting in the public
36 performance of their duties to operate a robotic device or uncrewed aircraft equipped or mounted
37 with a weapon, explosive device, or disrupter technology, when used for the purpose of the
38 disposal of explosives or suspected explosives, for development, evaluation, testing, education or
39 training relating to the use of such technologies for the purpose of disposing of explosives or
40 suspected explosives, or for the destruction of property in cases where there is an imminent,
41 deadly threat to human life.

42 (h) The secretary of the executive office of public safety may establish rules and
43 regulations relating to the permitted use by government officials of robotic devices equipped
44 with disruptors or similar technologies. These regulations shall be designed to prevent robotic
45 devices equipped with disruptors or similar technologies from harming or injuring human beings.

46 (i) A law enforcement agency shall be required to obtain a warrant, or other legally
47 required judicial authorization, prior to: (i) deploying a robotic device onto private property in
48 any situation in which a warrant would be required if the entry onto that property were made by a
49 human officer; and (ii) deploying a robotic device to conduct surveillance or location tracking in
50 any situation in which a warrant or other legally required judicial authorization would be
51 required if such surveillance or tracking were conducted by a human officer or other technology.

52 (j) Any information regarding the use of a robotic device by a law enforcement agency
53 shall become subject to the commonwealth's public records law, with such information made
54 available to the public on request, pursuant to the provisions thereof.

55 (k) The attorney general may bring an action pursuant to section 4 of chapter 93A to
56 remedy a violation of this section.

57 (l) Private right of action. Any individual alleging that a violation of this section or a
58 regulation promulgated under this section caused them injury or harm may bring a civil action in
59 any court of competent jurisdiction.

60 (i) The civil action shall be directed to the agency alleged to have committed the violation
61 or, in the case of an individual, to the person alleged to have committed the violation.

62 (ii) In a civil action in which the plaintiff prevails, the court may award:—

63 (a) liquidated damages of not less than five hundred dollars nor more than two
64 thousand dollars;

65 (b) punitive damages; and

66 (c) any other relief, including but not limited to an injunction, that the court deems to
67 be appropriate.

68 (iii) In addition to any relief awarded pursuant to the previous paragraph, the court shall
69 award reasonable attorney's fees and costs to any prevailing plaintiff.

70 (m) The secretary of the executive office of public safety shall establish such rules and
71 regulations as it may deem necessary to carry out the provisions of this section.