

HOUSE No. 4321

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 8, 2024.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 1004) of Adam Gomez and Erika Uytterhoeven for legislation to reform the Massachusetts civil rights act, and the 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, reports recommending that the accompanying bill (House, No. 4321) ought to pass.

For the committee,

MICHAEL S. DAY.

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**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 2022
2 Official Edition, is hereby amended by inserting, in line 9, after the word “secured”, the
3 following:- ; provided, however, that in an action brought under this section against a law
4 enforcement officer, as defined in section 1 of chapter 6E, for conduct under color of law, proof
5 shall not be required that the interference or attempted interference was by threats, intimidation
6 or coercion.

7 SECTION 2. Said section 11H of said chapter 12 of the General Laws, as so appearing,
8 is hereby further amended by striking, in lines 39-41, the words “interference by threat,
9 intimidation or coercion, or attempted interference by threats, intimidation or coercion,” and
10 inserting in place thereof the following: - interference or attempted interference.

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

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

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