

HOUSE No. 1380

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John P. Fresolo	16th Worcester
Todd M. Smola	1st Hampden
David Holway	National Association of Government Employees 159 Burgin Parkway Quincy, MA 02169

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2529 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 hereby
2 amended by adding the 3 following new section:—

3 Section 4IB. The interrogations into alleged misconduct of a police officer shall take place at a location
4 designated by the investigating officer. The officer shall be informed of the rank, name and command of the
5 officer in charge of the investigation and of all persons present during the interrogation. The officer shall be
6 informed of the nature of the interrogation and shall be informed of the name of all complainants. The
7 interrogation shall be conducted at a reasonable hour and in a reasonable manner, preferably at a time when the
8 officer is on duty. Interrogation sessions shall be for reasonable periods and 14 shall be flexible to allow for
9 personal necessities. The law enforcement officer shall not be subject to offensive language or be threatened
10 with transfer, dismissal, or disciplinary action. If the police officer is under arrest or is likely to be placed

11 18 under arrest, he shall be completely informed of all his rights prior to commencement of the interrogation. At the
12 officer's request, he shall have the right to be represented by counsel. All questions and answers shall be
13 recorded by a stenographer. No law enforcement officer shall be discharged, disciplined, demoted, denied
14 transfer or reassignment with regard to his employment, or be threatened with any such treatment by reason of
15 his exercise of the rights granted by this section.

16 SECTION 2. Section 25 of Chapter 268A of the General Laws, as appearing in the 1988 Official Edition, is further
17 amended by adding after the fifth paragraph the following new paragraph:—

18 Police officers charged with alleged misconduct committed during the course of duty shall be subject to the
19 provisions of sections 41, 41B and 43 of Chapter 31 of the General Laws.

20 SECTION 3. Section 43 of Chapter 31 of the General Laws, as appearing in the 1988 Official Edition, is hereby
21 further amended by adding in line two after the word "forty-one" the following:—

22 "or forty-one B, he".

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

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