

SENATE No. 2809

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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 police reports involving railroad fatalities.

PETITION OF:

NAME:

Susan L. Moran

DISTRICT/ADDRESS:

Plymouth and Barnstable

SENATE No. 2809

By Ms. Moran, a petition (accompanied by bill, Senate, No. 2809) (subject to Joint Rule 12) of Susan L. Moran for legislation relative to police reports involving railroad fatalities. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to police reports involving railroad fatalities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 160 of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by adding after section 252 the following section:-

3 Section 253. (a) Any police report involving a railroad fatality and all communications
4 between police officers and railroad crew members involved in such fatality shall not be made
5 public and shall be maintained by the police department that responds to such fatality in a
6 manner that shall ensure confidentiality; provided, however, that all such reports shall be
7 accessible at all reasonable times, upon written request, to (i) the host railroad, (ii) the railroad of
8 employ of any employee mentioned in such reports and (iii) any other person authorized by
9 judicial order to obtain such information if access to such report is necessary in the performance
10 of their duties; and provided further, that all such reports shall be accessible at all reasonable
11 times, upon written or electronic mail request to law enforcement officers, district attorneys or
12 assistant district attorneys.

13 (b) Communications between police officers and railroad employees concerning any
14 railroad fatality incident may be shared with any person listed in subsection (a) if such access is
15 necessary to the performance of their duties.

16 (c) A violation of this section shall be punished by imprisonment for not more than 1 year
17 or by a fine of not more than \$10,000, or both.