

## Judiciary Hearing instructions

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From: Frank Frederickson (frankf@massfop.org)

Date: Thursday, July 13, 2023 at 10:57 AM EDT

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Here are the instructions for testimony the June 18th Judiciary hearing.

Date: 07/18/2023

Time: 1:00 PM

Location: A-2 and Virtual

Committee: [Joint Committee on Judiciary \(JJU\)](#)

Note:

Civil Actions II.

The Chair will limit testimony to three minutes per individual and reserves the right to call public officials out of turn. The public is invited to participate in this hybrid hearing, which will be livestreamed on the Legislature's website. To register to testify virtually, you must provide contact information on the [linked form](#) by 5:00 p.m. on July 16, 2023. Once registered, you will receive further instruction on how to participate. Individuals and groups testifying in person are also encouraged to register online. Written testimony may be submitted to the Judiciary Committee at 24 Beacon Street, Room 136, Boston, MA 02133 or by e-mail to michael.musto@mahouse.gov.

### **SB1970- An Act reforming the Massachusetts civil rights act – Sen. Adam Gomez**

SECTION 1. Section 11I of chapter 12 of the General Laws is hereby amended by inserting after the word “damages.” the following:-

In an action brought under this section against a person or entity acting under color of law, proof shall not be required that the interference or attempted interference was by threats, intimidation or coercion.

SECTION 2. Section 11I of chapter 12 of the General Laws is hereby amended by adding the following new paragraph:-

In an action for monetary damages brought under this section against a law enforcement officer, as defined in section 1 of chapter 6E, acting under color of law, qualified immunity shall not apply where the defendant cannot establish that the conduct was clearly lawful. Nothing in this section shall affect the provisions of chapter 258 with respect to indemnification of public employees.

SECTION 3. The provisions of this act will take effect immediately upon enactment.

### **HB1425 An Act banning the use of tear gas by law enforcement. \_ Rep. Mike Connolly**

An Act banning the use of tear gas by law enforcement. 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 6 of the General Laws is hereby amended by inserting after section 116K, as 2 added by chapter 253 of the acts of 2020, the following section:- 3 SECTION 116L. (a) No law enforcement officer, law enforcement agency or department 4 shall purchase, obtain, use or allow to be used for law enforcement purposes on any person, a 5 chemical or substance that can produce rapidly in humans, sensory irritation or disabling 6 physical effects within a short time of exposure. Examples of such substance include “tear gas” 7 or “CS gas”. 8 (b) Whoever violates this section shall be punished by a criminal fine of \$5,000

### **SD2388 - An Act relative to forfeiture reform**

#### **Summary**

Rewrites the provisions on criminal forfeiture, first by striking out several inconsistent sections, and second by adding a new section that provides that when a person is convicted of violating a law subject to forfeiture, the court may order the person to forfeit any proceeds the person derived from the commission of the crime; any property directly traceable to proceeds derived from the commission of the crime; and any instrumentalities the person used in the commission of the crime. On the other hand, an estate of homestead, a motor vehicle of less than \$10,000 in market value, and U.S. currency totaling \$200 or less are to be exempt from forfeiture. The bill goes on to detail specific offenses and whether or not they may not result in forfeiture and a number of the procedures relating to that.

Frank G. Frederickson  
Director of Governmental Affairs  
Massachusetts Fraternal Order of Police  
PO Box 765  
Barnstable, MA 02630  
Email: [frankf@massfop.org](mailto:frankf@massfop.org)  
Cell: 508-294-2403

