HOUSE DOCKET, NO. 2451 FILED ON: 1/20/2011

HOUSE . . . . . No. 3146

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:

An Act relative to a policeman's bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John P. Fresolo	*16th Worcester*
Angelo J. Puppolo, Jr.	*12th Hampden*
Raymond McGrath	*159 Burgin Parkway* *Quincy, MA 02169-4213*

HOUSE DOCKET, NO. 2451 FILED ON: 1/20/2011

HOUSE . . . . . No. 3146

By Mr. Fresolo of Worcester, a petition (accompanied by bill, House, No. 3146) of John P. Fresolo, Angelo J. Puppolo, Jr. and Raymond McGrath relative to the rights of police officers accused of alleged misconduct. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1380* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 31 of the General Laws, as appearing in 2 the 2000 Official Edition, is hereby amended by adding the 3 following new section:--

Section 4IB. The interrogations into alleged misconduct of a police officer shall take place at a location designated by the investigating officer. The officer shall be informed of the rank, name and command of the officer in charge of the investigation and of all persons present during the interrogation. The officer shall be informed of the nature of the interrogation and shall be informed of the name of all complainants. The interrogation shall be conducted at a reasonable hour and in a reasonable manner, preferably at a time when the officer is on duty. Interrogation sessions shall be for reasonable periods and 14 shall be flexible to allow for personal necessities. The law enforcement officer shall not be subject to offensive language or be threatened with transfer, dismissal, or disciplinary action. If the police officer is under arrest or is likely to be placed 18 under arrest, he shall be completely informed of all his rights prior to commencement of the interrogation. At the officer's request, he shall have the right to be represented by counsel. All questions and answers shall be recorded by a stenographer. No law enforcement officer shall be discharged, disciplined, demoted, denied transfer or reassignment with regard to his employment, or be threatened with any such treatment by reason of his exercise of the rights granted by this section.

18 SECTION 2. Section 25 of Chapter 268A of the General Laws, as appearing in the 1988
19 Official Edition, is further amended by adding after the fifth paragraph the following new
20 paragraph:-- Police officers charged with alleged misconduct committed during the course of
21 duty shall be subject to the provisions of sections 41, 41B and 43 of Chapter 31 of the General
22 Laws.

23 SECTION 3. Section 43 of Chapter 31 of the General Laws, as appearing in the 1988
24 Official Edition, is hereby further amended by adding in line two after the word "forty-one" the
25 following:-- "or forty-one B, he".

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

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