HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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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 |
| 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

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**In the Year Two Thousand and Nine**

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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 amended by adding the

3 following new section:—

4 Section 4IB. The interrogations into alleged misconduct of a

5 police officer shall take place at a location designated by the

6 investigating officer. The officer shall be informed of the rank,

7 name and command of the officer in charge of the investigation

8 and of all persons present during the interrogation. The officer

9 shall be informed of the nature of the interrogation and shall be

10 informed of the name of all complainants.

11 The interrogation shall be conducted at a reasonable hour and

12 in a reasonable manner, preferably at a time when the officer is on

13 duty. Interrogation sessions shall be for reasonable periods and

14 shall be flexible to allow for personal necessities. The law

15 enforcement officer shall not be subject to offensive language or

16 be threatened with transfer, dismissal, or disciplinary action.

17 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

19 to commencement of the interrogation. At the officer's request, he

20 shall have the right to be represented by counsel. All questions

21 and answers shall be recorded by a stenographer.

22 No law enforcement officer shall be discharged, disciplined,

23 demoted, denied transfer or reassignment with regard to his

24 employment, or be threatened with any such treatment by reason

25 of his exercise of the rights granted by this section.

1 SECTION 2. Section 25 of Chapter 268A of the General Laws,

2 as appearing in the 1988 Official Edition, is further amended by

3 adding after the fifth paragraph the following new paragraph:—

4 Police officers charged with alleged misconduct committed

5 during the course of duty shall be subject to the provisions of sec-

6 tions 41, 41B and 43 of Chapter 31 of the General Laws.

1 SECTION 3. Section 43 of Chapter 31 of the General Laws, as

2 appearing in the 1988 Official Edition, is hereby further amended

3 by adding in line two after the word "forty-one" the following:—

4 "or forty-one B, he".

1 SECTION 4. Section 9A of Chapter 258 of the General Laws,

2 as appearing in the 1988 Official Edition, is hereby amended by

3 inserting in line two after the words "capitol police", the

4 following:— "a municipal police officer".

1 SECTION 5. Section 9A of Chapter 258 of the General Laws,

2 as appearing in the 1988 Official Edition, is hereby amended by

3 inserting in line 11 and line 23, after the words "capitol police"

4 the following:— "municipal police officers"