

HOUSE No. 1917

By Representative Wagner of Chicopee and Senator Lesser, a joint petition (accompanied by bill, House, No. 1917) of Joseph F. Wagner, Eric P. Lesser and others relative to the taking or transmitting of images of crime victims by first responders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3473 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

[B]

An Act relative to taking or transmitting images of crime victims by first responders.

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

[A]

1 Chapter 271 of the General Laws is hereby amended by adding the following section:-

2 Section 51: (a) As used in this section, the following terms shall, unless the context
3 clearly requires otherwise, have the following meanings:-

4 "First responder", a law enforcement officer, a paid, call, reserve or volunteer firefighter,
5 a paid, call, reserve or volunteer emergency medical technician or any other person whose usual
6 and regular duties include rendering assistance at the scene of a crime, accident or other
7 emergency.

8 "Immediate family member", a spouse, child, step child, adopted child, sibling, step
9 sibling, adopted sibling, parent, step parent, adopted parent, grandparent or grandchild.

10 (b) No first responder who responds to or is otherwise present at the scene of a crime,
11 accident or other emergency in the performance of ~~his or her~~ ^{the first responder's} official duties shall take a
12 photographic or digital image of a victim of a crime, accident or emergency unless the first
13 responder takes the photographic or digital image: (i) in the performance of ~~his or her~~ ^{the first responder's} official
14 duties, or; (ii) upon the consent of the victim or, if the victim is unable to consent, an immediate
15 family member of the victim.

16 (c) No first responder shall, other than in the performance of ~~his or her~~ ^{the first responder's} official duties,
17 transmit, disseminate or otherwise make available to a third person a photographic or digital
18 image of a victim of a crime, accident or emergency without the consent of the victim or, if the
19 victim is unable to consent, an immediate family member of the victim.

20 (d) Any ~~person~~ ^{first responder} who knowingly violates subsection (b) or (c) shall be punished by a fine
21 of not more than \$2,000, or by imprisonment for not more than 1 year, or ~~both~~ ^{by} such fine and
22 imprisonment.