

SENATE No. 3092

The Commonwealth of Massachusetts

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

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 have the following
3 meanings unless the context clearly requires otherwise:-

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, legal guardian, adoptive parent, grandparent or
10 grandchild.

11 (b) No first responder who responds to or is otherwise present at the scene of a crime,
12 accident or other emergency in the performance of the first responder’s official duties shall take
13 a photographic or digital image of a victim of a crime, accident or emergency unless the first
14 responder takes the photographic or digital image: (i) in the performance of the first responder’s
15 official duties; or (ii) upon the consent of the victim or, if the victim is unable to consent, an
16 immediate family member of the victim; provided, however, that this subsection shall not apply

17 to the use by a first responder of body-worn cameras or cameras mounted on a first responder's
18 vehicle.

19 (c) No first responder shall, other than in the performance of the first responder's official
20 duties, transmit, disseminate or otherwise make available to a third person a photographic or
21 digital image of a victim of a crime, accident or emergency without the consent of the victim or,
22 if the victim is unable to consent, an immediate family member of the victim; provided, however,
23 that this subsection shall not apply to the use by a first responder of body-worn cameras or
24 cameras mounted on a first responder's vehicle.

25 (d) A first responder who knowingly violates subsection (b) or (c) shall be punished by a
26 fine of not more than \$2,000, by imprisonment for not more than 1 year or by both such fine and
27 imprisonment.