

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1579) of Arthur Joseph Lewis, Jr., for legislation to further regulate the protection of civil rights of persons in the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-two.

AN ACT TO ESTABLISH THE USE OF EXCESSIVE FORCE OR VIOLENCE AS A VIOLATION OF CIVIL RIGHTS GUARANTEED UNDER THE CONSTITUTIONAL LAWS OF THE COMMONWEALTH.

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 12 of the General Laws is hereby amended by
2 striking out sections 11H and 11I, inserted by section 1 of
3 chapter 801 of the acts of 1979, and inserting in place thereof
4 the following two sections: —

5 *Section 11H.* Whenever any person, whether or not acting
6 under color of law, interferes by threats, force, intimidation
7 or coercion, or attempts to interfere by threats, force, intimi-
8 dation or coercion, with the exercise or enjoyment by any
9 other person of rights secured by the constitution or laws of
10 the United States, or of rights secured by the constitution or
11 laws of the commonwealth, the attorney general may bring a
12 civil action for injunctive or other appropriate equitable re-
13 lief in order to protect the peaceable exercise of the right
14 secured. Said civil action shall be brought in the name of
15 the commonwealth and shall be instituted either in the supe-
16 rior court for the county in which the conduct complained of
17 occurred or in the superior court for the county in which the
18 person whose conduct complained of resides or has his prin-
19 cipal place of business.

20 *Section 11I.* Any person whose exercise or enjoyment or
21 rights secured by the constitution or laws of the United
22 States, or of rights secured by the constitution or laws of the
23 commonwealth, has been interfered with, or attempted to be
24 interfered with, as described in section eleven H, may insti-

25 tute and prosecute in his own name and on his own behalf or
26 by his estate a civil action for injunctive and other appro-
27 priate equitable relief as provided for in said section, includ-
28 ing the award of compensatory money damages.

29 The use of force by a person resulting in or contributing
30 to the injury or death of any other person during or after the
31 commission of a crime, shall constitute prima facie evidence
32 of the willful violation of such rights of the victim of such
33 force. Any aggrieved person or his estate who prevails in an
34 action authorized by this section shall be entitled to an
35 award of the costs of the litigation and reasonable attorneys'
36 fees in an amount to be fixed by the court, and striking out
37 the title and inserting in place thereof the following new title:
38 "An Act further regulating the protection of the civil rights
39 of persons in the Commonwealth."