

By Mrs. Harkins of Needham, petition of Lida E. Harkins for legislation to establish a civil rights enforcement fund for the protection of the civil rights of persons in the Commonwealth. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Two.

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AN ACT RELATIVE TO THE PROTECTION OF THE CIVIL RIGHTS OF PERSONS  
IN 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 Section 11H of Chapter 12 of the General Laws 1990 Edition,  
2 as appearing in the following paragraph: —

3 In addition to injunctive and equitable relief, the attorney  
4 general may seek compensatory and punitive money damages on  
5 behalf of the aggrieved person or persons.

6 The Commonwealth, shall, in addition to other relief provided  
7 for by this section and irrespective of the nature of the relief sought  
8 or the amount in controversy, be entitled to an award of the costs  
9 of the litigation and reasonable attorneys fees in an amount to  
10 be fixed by the Court.

11 If the Commonwealth prevails in its claim for injunctive relief  
12 or for money damages, a civil penalty may also be assessed by  
13 the Court and awarded to the Commonwealth. If assessed, the  
14 civil penalty shall be in an amount not to exceed five thousand  
15 dollars against a defendant.

16 There shall be established and set up on the books of the  
17 Commonwealth a separate fund, to be known as the Civil Rights  
18 Enforcement Fund. There shall be credited to such fund all money  
19 received by the Commonwealth from attorneys fees, costs and civil  
20 penalties as a result of actions brought by the attorney general  
21 pursuant to this statute. Amounts credited to such fund shall be

22 provided to the attorney general for the payment of expenses and  
23 resource costs incurred by the attorney general in connection with  
24 the enforcement of the civil rights laws of the Commonwealth,  
25 civil rights training, including the training of law enforcement  
26 personnel, and public education. At the end of any fiscal year,  
27 if the balance in the Civil Rights Enforcement Fund exceeds seven  
28 hundred thousand dollars, the excess shall be withdrawn from the  
29 Fund and deposited in the General Fund.