

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

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 adoption of the accompanying bill:

An Act protecting access to justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/20/2026</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/21/2026</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/21/2026</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>1/21/2026</i>

By Ms. Edwards, a petition (accompanied by bill) (subject to Joint Rule 12) of Lydia Edwards for legislation to protect access to justice. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act protecting access to justice.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith protect access to the court system in the commonwealth, preserve the integrity of judicial proceedings, prevent disruptions to the conduct of judicial processes, and ensure free and equal access to the courts of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace and safety.

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

1 The General Laws are hereby amended by inserting after chapter 221 the following

2 chapter:-

3 Chapter 221A.

4 Section 1. The following terms, as used in this chapter, shall have the following

5 meanings unless the context clearly requires otherwise:

6 "Civil arrest", an arrest that is not: (i) for the sole or primary purpose of preparing the

7 person subject to such arrest for criminal prosecution, for an alleged violation of the criminal law

8 of: (A) the commonwealth or another jurisdiction within the United States, for which a sentence
9 of a term of imprisonment is authorized by law; or (B) the United States, for which a sentence of
10 a term of imprisonment is authorized by law, and for which federal law requires an initial
11 appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the
12 federal rules of criminal procedure that govern initial appearances; or (ii) for contempt of the
13 court in which the court proceeding is taking place or will be taking place.

14 "Courthouse", the interior of any facility or property in which a court of the
15 commonwealth conducts business.

16 "Courthouse grounds", the courthouse and any garage or parking lot owned by the
17 judicial branch or under contract with or control of said branch, for the purpose of serving a
18 courthouse, any walkways or sidewalks on the grounds of, contiguous to or abutting the grounds
19 of the courthouse or connecting such garage or parking lot to the courthouse or grounds of the
20 courthouse.

21 "Court proceeding", shall include, but not be limited to, an appearance in a court of the
22 commonwealth before a judge or justice or judicial magistrate of the commonwealth ordered or
23 scheduled by such judge or justice or judicial magistrate, or the filing of papers concerning such
24 appearance before a judge or justice or judicial magistrate of the commonwealth.

25 "Family or household member", persons: (i) related by consanguinity or affinity; (ii)
26 legally married to one another; (iii) formerly married to one another regardless of whether they
27 still reside in the same household; (iv) who have a child in common regardless of whether such
28 persons are married or have lived together at any time; (v) unrelated who are continually or at
29 regular intervals living in the same household or who have in the past continually or at regular

30 intervals lived in the same household; or (vi) who are not related by consanguinity or affinity
31 and who are or have been in an intimate relationship regardless of whether such persons have
32 lived together at any time; provided, however, that "intimate relationship" shall be determined by
33 considering factors, including but not limited to, the nature or type of relationship, regardless of
34 whether the relationship is sexual in nature; the frequency of interaction between the persons;
35 and the duration of the relationship; and provided further, that neither a casual acquaintance nor
36 ordinary fraternization between 2 individuals in business or social contexts shall be deemed to
37 constitute an intimate relationship for purposes of this section.

38 "Judicial warrant or judicial order authorizing such civil arrest", an arrest warrant or other
39 judicial order, issued by a magistrate sitting in the judicial branch of a local or state government
40 or of the federal government, authorizing a civil arrest and issued by the court in which
41 proceedings following such arrest will be heard and determined.

42 Section 2. (a) Subject to the superintendence authority of the supreme judicial court to
43 administer justice and writs of protection, a person who is duly attending a court proceeding in
44 which such person is a party or potential witness, or a family or household member is a party or
45 potential witness, shall not be subject to civil arrest while present at the courthouse or courthouse
46 grounds in connection with a court proceeding or while traveling to and returning from, the
47 location of such court proceedings, unless such civil arrest is supported by a judicial warrant or
48 judicial order authorizing such civil arrest.

49 (b) A representative of a local, state or federal law enforcement agency who, while
50 acting in an official capacity, enters a courthouse, as defined in section 1, intending to observe an
51 individual or take an individual into custody shall self-identify to uniformed court personnel and

52 state the specific law enforcement purpose for the representative's presence in the courthouse
53 and the proposed enforcement action the representative intends to take while in the courthouse or
54 on courthouse grounds; provided however, that information on any such proposed enforcement
55 action shall be transmitted to and reviewed by designated court system personnel, who may
56 include, but shall not be limited to, the judge presiding over any case involving the subject of
57 that enforcement action; provided further that if such representative has a judicial warrant or
58 judicial order authorizing such civil arrest, such representative shall provide a copy of such
59 warrant or order to court personnel and such warrant or order shall be promptly reviewed by a
60 judge or court clerk in accordance with policies and procedures of the applicable court. Except
61 in extraordinary circumstances, no arrest may be made by a representative of a law enforcement
62 agency in a courtroom during procedures, absent leave of the court.

63 (c) The prohibitions on law enforcement actions under subsection (b) shall not apply if
64 the individual intended to be the subject of the enforcement action has been convicted of murder
65 in the first degree under section 1 of chapter 265, a violation of sections 22, 22A, 22B, 22C, 22D,
66 23, 23A, 23B, 50 or 51 of said chapter 265 or is identified as a match in the United States
67 Federal Bureau of Investigations terrorist Threat Screening Center.

68 (d) A party, witness, staff, employee, or representative of a local, state, or federal law
69 enforcement agency shall not wear a mask or other face covering in the courthouse unless
70 required by a medical, chemical, or biological emergency.

71 (e) Copies of all warrants and orders authorizing arrest and provided to court personnel
72 pursuant to this section shall be maintained by the Chief Justice of the Supreme Judicial Court.
73 Annually, the Supreme Judicial Court shall prepare, publish on the court's website and provide

74 to the governor, the president of the senate, the speaker of the house of representatives, the chairs
75 of the joint committee on the judiciary, a report containing information on the warrants and
76 judicial orders received by each local and state court of the commonwealth pursuant to this
77 section in the past calendar year, including, but not limited to, the date each judicial warrant or
78 judicial order was signed, the judge who issued such judicial warrant or judicial order and the
79 name and location of the court that issued the warrant or order, as shown by such warrant or
80 order, the date the judicial warrant or judicial order was presented to counsel, a description of the
81 type of judicial warrant or judicial order and, if known, whether or not an arrest occurred with
82 respect to such warrant and the date and specific location of such arrest.

83 (f) Subject to the superintendence authority of the Supreme Judicial Court as provided in
84 section 3 of chapter 211, the Supreme Judicial Court may issue rules and notices to implement
85 this act.

86 Section 3. (a) The attorney general shall enforce this chapter, including but not limited
87 to, through a suit in equity in the superior court. An arrest or detention in violation of this
88 section shall constitute false imprisonment; provided, however, that nothing in this section shall
89 affect any right or defense available to a person, police officer, peace officer, or public officer, or
90 any court system personnel acting lawfully, in accordance with duties outlined in section 70A of
91 chapter 221.

92 (b) The attorney general may bring a civil action in the name of the people of the
93 commonwealth to obtain appropriate equitable and declaratory relief if the attorney general has
94 reasonable cause to believe that a violation of this section, as described in this section, has
95 occurred or will occur.

96 (c) In an action pursuant to this section, the court shall award reasonable attorney's fees

97 and costs to the prevailing party.

98 (d) This section shall be construed as an exercise of authority of the commonwealth over

99 the administration and integrity of its judicial branch operations and proceedings. Nothing in this

100 section shall be construed to narrow or abrogate rights or privileges against civil arrest that exist

101 under the common law.

102 (e) No action may be commenced pursuant to this section against the judicial branch or

103 any officer or employee of the judicial branch acting lawfully and in good faith, pursuant to such

104 officer's or employee's official duties and in accordance with this chapter and other applicable

105 laws and regulations.