

# SENATE . . . . . No.

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## 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>

# SENATE . . . . . No.

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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.

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## The Commonwealth of Massachusetts

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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

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

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

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

(b) A representative of a local, state or federal law enforcement agency who, while acting in an official capacity, enters a courthouse, as defined in section 1, intending to observe an 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

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

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

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

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