

HOUSE No. 4832

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 10, 2024.

The committee on the Judiciary, to whom were referred the petition petition (accompanied by bill, Senate, No. 2483) of Michael O. Moore for legislation to ensure the responsible use of advanced robotic technologies, the petition (accompanied by bill, House, No. 1488) of Michael J. Finn relative to penalties for unauthorized use of unmanned aerial vehicles and the petition (accompanied by bill, House, No. 4103) of Lindsay N. Sabadosa relative to the responsible use of certain advanced robotic technologies, reports recommending that the accompanying bill (House, No. 4832) ought to pass.

For the committee,

MICHAEL S. DAY.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to civil rights and technology.

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 1. Chapter 140 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after section 131Y the following section:—

3 Section 131Z.

4 (a) As used in this section, the following words shall have the following meanings unless
5 the context clearly requires otherwise:—

6 “Robotic device,” a device capable of locomotion, navigation, movement or flight that
7 operates at a distance from its operator or supervisor based on commands or in response to
8 sensor data, or a combination of both, including but not limited to an uncrewed aerial vehicle.

9 “Weapon”, any device designed to threaten or cause death, incapacitation or physical
10 injury to a person, including but not limited to firearms, chemical agents or irritants, kinetic
11 impact projectiles, weaponized lasers and explosive devices.

12 (b) It shall be unlawful for any person, whether or not acting under color of law, to
13 manufacture, modify, sell, transfer, possess or operate a robotic device equipped or mounted
14 with a weapon. Whoever knowingly violates the provisions of this subsection shall be punished
15 by imprisonment in the state prison for not less than 2½ years nor more than 5 years, or in a
16 house of correction for not less than 18 months nor more than 2 ½ years. Whoever, after having
17 been convicted of any of the offenses set forth in this subsection, commits a second or
18 subsequent offense set forth in this subsection, shall be punished by imprisonment in the state
19 prison for not less than 5 years nor more than 7 years; for a third such offense, by imprisonment
20 in the state prison for not less than 7 years nor more than 10 years; and for a fourth such offense,
21 by imprisonment in the state prison for not less than 10 years nor more than 15 years.

22 (c) It shall be unlawful for any person, whether or not acting under color of law, to use a
23 robotic device to: (A) threaten to commit a crime in violation of section 2 of chapter 275; (B)
24 criminally harass another person in violation of section 43A of chapter 265; or (C) physically
25 restrain or to attempt to physically restrain another person. Whoever knowingly violates the
26 provisions of this subsection shall be punished by imprisonment in a house of correction for not
27 more than 2½ years, by a fine of not more than \$1,000 or by both such fine and imprisonment.
28 Whoever, after having been convicted of any of the offenses set forth in this subsection, commits
29 a second or subsequent offense set forth in this subsection, shall be punished by imprisonment in
30 a house of correction for not more than 2½ years or in a state prison for not more than 10 years,
31 by a fine of not more than \$15,000 or by both such fine and imprisonment.

32 (d) This section shall not apply to:

33 (i) the United States Department of Defense, or any of its departments, agencies or units,
34 and the Massachusetts National Guard;

35 (ii) a defense industrial company with respect to robotic devices that are within the scope
36 of its contract with the department of defense;

37 (iii) a defense industrial company with respect to robotic devices that are within the scope
38 of its waiver obtained from the attorney general;

39 (iv) robotic devices within the scope of a waiver obtained from the attorney general
40 solely for the development or testing of technology intended to detect, prevent or mitigate the
41 unauthorized weaponization of robotic devices; or

42 (v) robotic devices within the scope of a waiver obtained from the attorney general solely
43 for educational or entertainment purposes.

44 (e) It shall not be a violation of this section for law enforcement agencies or officers, as
45 those terms are defined in section 1 of chapter 6E, acting in the public performance of their
46 duties to operate a robotic device equipped or mounted with a weapon or disrupter technology:

47 (i) to destroy, defuse or dispose of explosives or suspected explosives; (ii) for the destruction of
48 property when there is an imminent threat of death or serious bodily injury; or (iii) for
49 development, evaluation, testing, education or training relating to the uses permitted in (ii) and
50 (iii) of this subsection.

51 (f) A law enforcement agency shall be required to obtain a warrant, or other legally
52 required judicial authorization, prior to deploying a robotic device: (i) onto private property in
53 any situation in which a warrant would be required if the entry onto that property were made by

54 an officer; and (ii) to conduct surveillance or location tracking in any situation in which a
55 warrant or other legally required judicial authorization would be required if such surveillance or
56 tracking were conducted by an officer or other technology.

57 (g) Any individual may bring a civil action for damages and equitable relief, including
58 injunctive relief, resulting from a violation of this section or a regulation promulgated under this
59 section in any court of competent jurisdiction. A plaintiff who prevails in an action under this
60 section shall be entitled to an award of reasonable attorneys' fees and costs incurred in
61 connection with said action.

62 (h) Each law enforcement agency shall document, as a public record, each time it uses a
63 robotic device quarterly to the executive office of public safety and security. Reported
64 information shall include: the date and time of the use; the scope, target and objective of the use;
65 whether the robotic device was equipped or mounted with a weapon; the permitted reason for
66 use; and whether a warrant or other legally required judicial authorization was obtained. The
67 executive office of public safety and security shall annually, not later than March 31, publicly
68 report this information on its website.

69 (i) The secretary of the executive office of public safety may promulgate rules and
70 regulations to carry out the provisions of this section, including rules and regulations related to
71 the permitted uses of robotic devices equipped or mounted with a weapon by law enforcement
72 set forth in subsection (e).

73 (j) The attorney general shall promulgate rules and regulations relating to the waivers
74 described in subsection (d).