SENATE DOCKET, NO. 2287 FILED ON: 1/20/2023

SENATE . . . . . No. 1116

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 establishing a right to freedom from doxing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	
David Allen Robertson	*19th Middlesex*	*2/28/2023*
Simon Cataldo	*14th Middlesex*	*2/28/2023*
Steven S. Howitt	*4th Bristol*	*2/28/2023*

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By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1116) of Rebecca L. Rausch, David Allen Robertson, Simon Cataldo and Steven S. Howitt for legislation to establish a right to freedom from doxing. The Judiciary.

The Commonwealth of Massachusetts

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

An Act establishing a right to freedom from doxing.

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

SECTION 1. Section 11H of chapter 12 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, in lines 2 and 3, after the word “threats”, each time it appears, the following word:- , doxing.

SECTION 2. Chapter 214 of the General Laws is amended by inserting after section 3B the following new section:-

Section 3C. Action for doxing; liability

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

“Close relation”, a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent, grandparent, any person who regularly resides in the household or who

within the prior 6 months regularly resided in the household, any person with a significant personal or professional relationship, or a family pet.

"Disclosure", the dissemination, distribution, circulation, sharing, posting, publishing, transmittal, or release of information, including through electronic means.

"Doxing", the knowing disclosure of personal identifying information of a person without that person's consent that is intended to cause stalking, physical harm to person, or serious property damage, or to cause the person about whom the information pertains to reasonably fear for the physical safety of themselves or a close relation, and which causes, whether directly or indirectly either: (i) stalking, physical harm to person, or serious property damage; or (ii) the person about whom the information pertains to reasonably fear for the physical safety of themselves or a close relation.

"Personal identifying information", a person's biometric data, home or work address, electronic mail address, home phone or cell phone number, Social Security number, driver's license number or state-issued identification card number, license plate number, financial account number or credit or debit card number, or medical, financial, education, consumer, or employment information or records, in combination with that person's name, prior legal name, alias, photograph or likeness, mother's maiden name, or date or place of birth; which that person has not made readily apparent to the public, or which that person has not authorized another person or organization to make readily apparent to the public.

(b) Doxing shall be unlawful.

(c) A person who is a target of doxing may pursue a cause of action for doxing, as defined in this section. The action may seek injunctive relief, special and general damages, and

attorneys' fees and costs. The plaintiff in such action shall prove doxing occurred by a preponderance of the evidence. Notwithstanding any general or special law to the contrary, the parent or legal guardian of an unemancipated minor child shall be liable for any judgment rendered against such minor pursuant to this section.

(d) A plaintiff who proves by a preponderance of the evidence that doxing was motivated by the plaintiff's or the plaintiff's close relation's race, color, religion, ethnicity, national origin, citizenship status, sex, gender, sexual orientation, gender identity or expression, physical or mental health condition, or disability shall be entitled to up to treble damages in addition to any other remedy.

(e) It shall not be a violation of this section for a person to disclose personal identifying information for the purpose of:

(1) reporting conduct reasonably believed to be unlawful;

(2) reporting conduct reasonably believed to constitute a crime to a law enforcement officer or a law enforcement agency;

(3) publishing, disseminating, or reporting conduct by a public official, law enforcement officer, or law enforcement agency that is reasonably believed to be unlawful or otherwise an abuse of authority;

(4) engaging in lawful and constitutionally protected activity as it pertains to speech, assembly, press, or petition, including to address a matter of public concern; or

(5) investigating or prosecuting a violation of this section.