



Legal Update

MGL c 271 § 51: Amanda's Law

The legislature passed An Act Relative to Taking or Transmitting Images of Crime Victims by First Responders (known as Amanda's Law) on August 4, 2022. MGL c 271 §51 goes into effect on November 2, 2022.

This statute makes it a criminal offense for first responders, including police officers, to take or disseminate pictures of victims of crimes, accidents or emergencies unless the pictures are taken or disseminated as part of the first responder's official duties or with the consent of the victim.

The full text of MGL c 271 §51 states:

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

"First responder", a law enforcement officer, a paid, call, reserve or volunteer firefighter, a paid, call, reserve or volunteer emergency medical technician or any other person whose usual and regular duties include rendering assistance at the scene of a crime, accident or other emergency.

"Immediate family member", a spouse, child, step-child, adopted child, sibling, step sibling, adopted sibling, parent, step-parent, legal guardian, adoptive parent, grandparent or grandchild.

(b) No first responder who responds to or is otherwise present at the scene of a crime, accident or other emergency in the performance of the first responder's official duties shall take a photographic or digital image of a victim of a crime, accident or emergency

For specific guidance on the application of these cases or any law, please consult your supervisor or your department's legal advisor or prosecutor.

unless the first responder takes the photographic or digital image: (i) in the performance of the first responder's official duties; or (ii) upon the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim; provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.

(c) No first responder shall, other than in the performance of the first responder's official duties, transmit, disseminate or otherwise make available to a third person a photographic or digital image of a victim of a crime, accident or emergency without the consent of the victim or, if the victim⁶ is unable to consent, an immediate family member of the victim; provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.

(d) A first responder who knowingly violates subsection (b) or (c) shall be punished by a fine of not more than \$2,000, by imprisonment for not more than 1 year or by both such fine and imprisonment.