

### Massachusetts

A variety of forms of street harassment are illegal in Massachusetts, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

*Note: Many statutes throughout the Massachusetts Code name crimes and their penalties, but they don't define the prohibited acts. When this happens, we include the definitions and descriptions of each crime from information found in the juror instruction sheets published [here](#) by the Massachusetts Court System.*

#### Verbal Harassment

There are five laws in Massachusetts that prohibit some form of verbal street harassment.

- Note: Massachusetts' law also contains another statute that is relevant to street harassment but is vaguely written and poorly defined. It is Chapter 272: Crimes Against Chastity, Morality, Decency, and Good Order, includes Section 53, titled "Penalty for certain offenses."
  - Section 53 of the statute prescribes a penalty for accosting and annoying persons of the opposite sex, wanton and lewd speech or behavior, indecent exposure, disorderly conduct, and disturbing the peace.
  - None of these offenses are defined in the statute.

#### ***Accosting or Annoying a Person of the Opposite Sex***

[Chap. 272 §53\(a\)](#)

Massachusetts law prescribes a penalty for persons who:

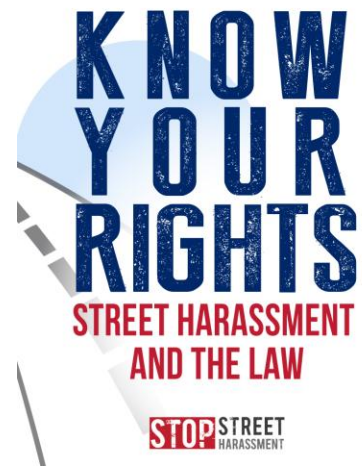
"With offensive and disorderly acts or language accost or annoy persons of the opposite sex."

This law wouldn't protect against all street harassment, but it may be useful in cases of egregious verbal harassment by a man against a woman (or vice versa).

In order for a court to find someone guilty of accosting or annoying a person of the opposite sex, that person must be of the opposite sex from you and have knowingly engaged in an offensive and disorderly act(s) or language, clearly directed at you, that would be offensive to a reasonable person.

Disorderly acts or language means the harasser's words or actions must involve at least one of the following:

- Threatening
- Fighting
- Violent or tumultuous behavior
- Creating a hazardous condition
- Creating a physically offensive condition that amounts to an invasion of privacy.



## Stop Street Harassment

Disorderly conduct also can include sexually explicit language in Massachusetts as such language “may be inherently threatening when it is directed at particular individuals in settings in which such communications are inappropriate and likely to cause severe distress.”

If a person of the opposite sex is directing sexually explicit language toward you to the degree that it is threatening, or doing something else that meets the requirements above, you can report him/her.

Penalty: Accosting and annoying a person of the opposite sex is punishable by a fine up to \$200 and/or up to six months in jail.

### ***Disorderly Conduct & Disturbing the Peace***

#### [Chap. 272 §53\(b\)](#)

In the same statute titled “Penalties for certain offenses,” Massachusetts law prescribes a Penalty for “disorderly persons and disturbers of the peace.”

Disorderly acts or language are those that involve:

- Fighting
- Violent or tumultuous behavior
- Creating hazardous conditions
- Creating a physically offensive condition that amounts to an invasion of privacy
- Threats.

The juror instructions for “accosting and annoying a person of the opposite sex” state that disorderly conduct can include sexual explicit language that is inherently threatening; however the juror instructions for disorderly conduct do not include this specification.

Given that the statute and the supporting court documents for “accosting and annoying a person of the opposite sex” cover disorderly conduct, it may be the best one to use if you are harassed by someone of the opposite sex.

If someone of the same sex harasses you – especially if the harassment involves a threat or any violent or tumultuous behavior – you can report the harasser for disorderly conduct. (“Tumultuous” can mean noisy or uproarious, and so a street harasser that is yelling at you or making a scene may be engaging in tumultuous behavior.)

Penalty: Disorderly conduct and disturbing the peace is punishable by a fine up to \$150.

### ***Disorderliness in Public Conveyances & Disturbance of Travelers***

#### [Title 1, Chap. 272 §43](#)

Massachusetts law prohibits disorderly conduct and disturbing or annoying passengers by using “profane, obscene or indecent language, or by indecent behavior” on public transportation and “conveyances” in general that are open to the public.

If someone is harassing you on public transportation, you can report him/her.

Penalty: Disorderliness in public conveyances and disturbance of travelers is punishable by 1 month in jail.

## Stop Street Harassment

### ***Enticement of a Child Under Age 16***

#### [Title I, Chap. 265 §26C](#)

It is illegal in Massachusetts for anyone to entice a teenager or child under the age of 16 to “enter, exit or remain within any vehicle, dwelling, building, or other outdoor space” with the intent to commit a crime (such as indecent assault).

If you are 15 years of age or younger, or someone you care for or know is, and a street harasser tries to entice you to either leave, go into, or stay in any space – whether a vehicle, house, building, or other outdoor space, and you fear s/he plans to hurt you in some way or otherwise commit a crime, you can report that person to the police.

Penalty: Enticing a child under the age of 16 is punishable by a fine of up to \$5,000 and/or up to 5 years in prison.

### ***Soliciting for a Prostitute***

#### [Part IV, Title I, Chap. 272 §8](#)

Soliciting for a prostitute is illegal in Massachusetts. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Soliciting for a prostitute is punishable by a fine of between \$1,000 and \$5,000 and/or up to 2 and a half years in prison.

## **Unlawful Filming/Photographing**

### ***Photographing, Videotaping, or Electronically Surveilling a Nude Person***

#### [Title I, Chap. 272 §105](#)

It is illegal in Massachusetts for anyone to secretly photograph, videotape, or “electronically surveil” the private areas of your body when and where you should have a reasonable expectation of privacy from being photographed.

- This applies to any place you might use to undress or change clothes, including your home and public places like restrooms, locker rooms, tanning booths, dressing rooms or similar spaces.
- This may also apply to “up-skirt,” “down-blouse,” or other inappropriate photographs, as one would reasonably expect to have a measure of privacy under one’s clothing.

If someone is inappropriately photographing or recording you, you can report him/her.

- Note: This statute gives law enforcement officers the right to arrest without a warrant anyone s/he reasonably believes has broken this law. It also states that any such photos or tapes shall only be made available to court and law enforcement personnel – not to the general public.

## Stop Street Harassment

Penalty: Photographing, videotaping, or electronically surveilling a nude person is punishable by a fine of up to \$5,000 and/or up to 2 and a half years in prison. Disseminating such photo(s) or recording(s) is punishable by a fine of up to \$10,000 and/or up to 5 years in prison.

### Indecent Exposure

#### ***Indecent Exposure***

[Part IV, Title I, Chap. 272 §53\(a\)](#)

In the “Penalties for certain offenses” statute, Massachusetts law prescribes a penalty for “indecent exposure.” The juror instruction form for indecent exposure defines three elements of the crime: that the person exposed his or her genitals to one or more persons, that s/he did so intentionally, and that one or more persons were offended by the exposure.

If someone intentionally exposes him or herself to you or flashes you and you are offended by the action, you can report him/him.

Penalty: Indecent exposure is punishable by a fine of up to \$200 and/or up to 6 months in jail.

#### ***Open and Gross Lewdness and Lascivious Behavior***

[Part IV, Title I, Chap. 272 §16](#)

Open and gross lewdness and lascivious behavior occurs when someone openly and intentionally exposes his or her genitals, butt, or breasts, or masturbates in public, so as to (and actually does) shock or alarm one or more other people.

The juror instruction form for open and gross lewdness and lascivious behavior states that such an act is of a more serious nature than the crime of indecent exposure (such as occurring in the presence of a child) and “must actually produce alarm or shock that is a serious negative emotional experience, and not just nervousness and offense.”

If a street harasser exposes him or herself to you or to others in a way that is shocking and alarming, you can report that person.

Penalty: Open and gross lewdness and lascivious behavior is punishable by a fine of up to \$3,000 and/or up to 3 years in prison.

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### ***Criminal Harassment***

[Chap. 265 §43A](#)

Harassment in Massachusetts is defined as “willfully and maliciously [engaging] in a knowing pattern of conduct or series of acts over a period of time” that are directed at you specifically, that seriously alarm you, and that would cause a reasonable person substantial emotional distress. This includes being followed.

## Stop Street Harassment

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person. You have the right to file for court protection from harassment – see the section below on how to do that.

Note: The criminal harassment law is an example of a “[reasonable man](#)” law, and some law enforcement officers and judicial officials don’t consider street harassment to be what would cause a reasonable person substantial emotional distress. But you do have the right to report repeated street harassment, especially if the harasser uses offensive or sexually explicit language, threatens you, or escalates his or her behavior (such as yelling at you or following you).

Penalty: Criminal harassment is punishable by a fine of up to \$2,000 and/or up to 2 and a half years in prison.

### ***Stalking***

[Title I, Chap. 265 §43](#)

The crime of stalking in Massachusetts occurs when someone willfully and maliciously engages in a series of 3 or more acts which would cause a reasonable person substantial emotional distress and are directed at a specific person, seriously alarm or annoy that person, and include a threat that makes that person fear imminent bodily injury or death.

If the same person, on at least three occasions, follows you or harasses you and threatens you at least once, and you feel threatened, emotionally distressed, or alarmed, you can report that person.

Penalty: The penalty for stalking is a fine of up to \$1,000 and/or up to 5 years in the state prison.

### **Groping**

#### ***Indecent Assault and Battery***

[Title I, Chap. 265, § 13H](#)

In Massachusetts, assault and battery is an intentional touching either without consent or that causes bodily harm. An assault and battery is indecent – i.e., groping – when the physical contact is “fundamentally offensive to contemporary standards of decency.” This might include grabbing someone’s crotch, butt, or breasts, rubbing against someone in a sexual way, or some other sexualized or vulgar physical contact.

If a street harasser intentionally touches your private areas without your consent, you can report him/her.

Penalty: Indecent assault and battery is punishable by up to 5 years in prison. Indecent assault and battery on a child under 14 years of age is punishable by up to 10 years in prison.

### Complaint for Protection from Harassment – 258E Form

If the same person repeatedly harasses you, you may file for a court-issued protective order to prevent future harassment. You must submit a 258E Form, a Complaint for Protection from Harassment, accessible [here](#).

The form's instructions state the following:

“Under Massachusetts General Laws chapter 258E, people who have suffered harassment may ask a judge to issue an Order to protect them from further harassment or abuse. These Orders will be recorded and enforced by law enforcement agencies. S/he are commonly called “Harassment Prevention Orders” or “Restraining Orders” or “258E Orders.” In any emergency that occurs after court hours or on weekends, you may ask your local police to put you in contact with a judge.”

You can file for a protective order when someone has committed:

- Criminal harassment
- Indecent assault and battery
- Assault with intent to rape
- Sexually assault
- “Three or more acts of willful and malicious conduct aimed [directly at you] which were committed with the intent to cause fear, intimidation, abuse or damage to property and did in fact cause fear, intimidation, abuse or damage to property.”

You will need to include a statement (on the form) that details the harasser's actions. You will also need to complete a Plaintiff Confidential Information Form, in which you detail your contact information, and a Defendant Information Form with as much information about the person that harassed you as you can provide. The first Complaint Form has instructions for this additional paperwork.

If you feel that a street harasser has violated any of the provisions mentioned above, you have the right to seek this legal protection.

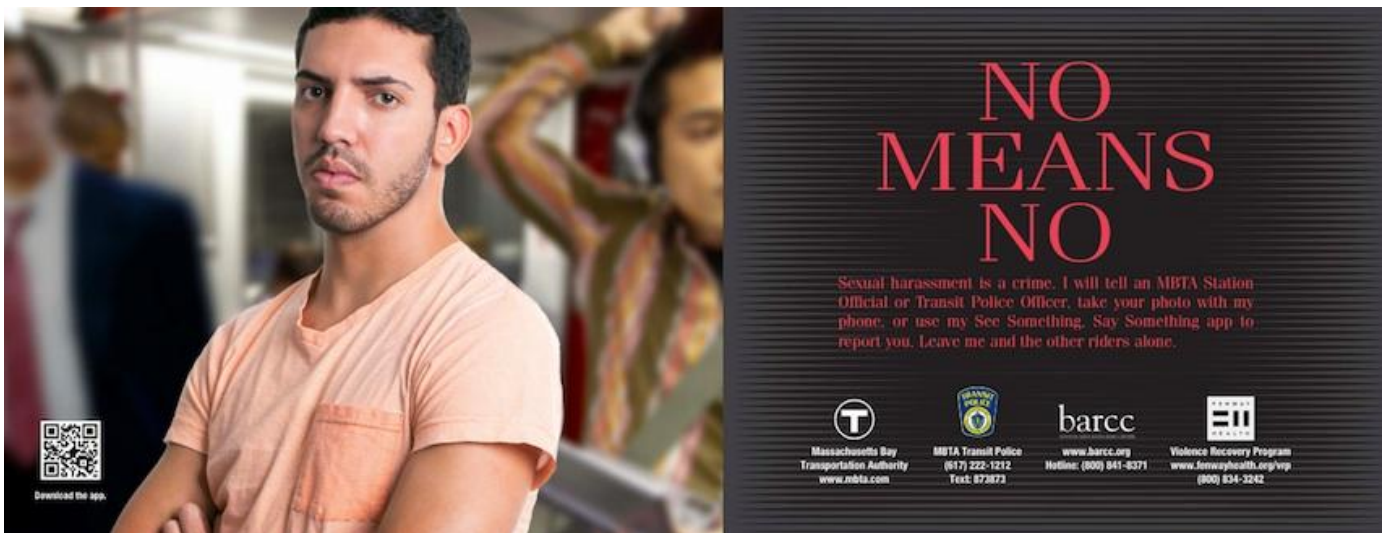
### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Boston, the number is 617-343-4200 and in Cambridge, it is 617-349-3300. In Salem, it is 978-744-1212. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.

## Stop Street Harassment


- The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as harassment requiring repeated conduct, [ALM GL ch. 265, § 43A](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms by which you can submit the same information listed in #2. Visit or call your local police department for more information. In [Salem](#), you can use a web form to report crimes such as harassing phone calls.
  - Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
    - In Boston, you can do this by calling 1-800-494-8477 (TIPS), or texting the number 27463 and beginning the message with the word "TIP."
    - In Cambridge, you can call 617-349-3359, text the number 847411 and begin the message with "Tip650" or submit it via [email](#).
  - Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.


If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.





**NO MEANS NO**


Sexual harassment is a crime. I will tell an MBTA Station Official or Transit Police Officer, take your photo with my phone, or use my See Something, Say Something app to report you. Leave me and the other riders alone.

 Massachusetts Bay Transportation Authority  
[www.mbta.com](http://www.mbta.com)

 MBTA Transit Police  
(617) 222-1212  
Text: 873823


 [www.barcc.org](http://www.barcc.org)  
Hotline: (800) 941-8371

 Violence Recovery Program  
[www.femalehealth.org/vrp](http://www.femalehealth.org/vrp)  
(800) 834-3242

  
Download the app.





## Stop Street Harassment





**KEEP YOUR HANDS OFF ME**


Grab a handrail, not me. Sexual harassment is a crime, and if you make me uncomfortable, I will find an MBTA Station Official or Transit Police Officer, take your photo with my phone, or use my See Something, Say Something app to report you. Leave me and the other riders alone.

 Massachusetts Bay Transportation Authority [www.mbta.com](http://www.mbta.com)

 MBTA Transit Police (617) 333-1212 Text: 873873


 [www.barcc.org](http://www.barcc.org) Boston (617) 617-6371


 National Recovery Program [www.NationalRecovery.org/enr](http://www.NationalRecovery.org/enr) (800) 633-1332





**KEEP YOUR PRIVATES PRIVATE**

Want the whole world to see you? No problem. I can snap your photo with my See Something, Say Something app and send it to the Transit Police, or I can report you to an MBTA Station Official. Leave me and the other riders alone.

 Massachusetts Bay Transportation Authority [www.mbta.com](http://www.mbta.com)

 MBTA Transit Police (617) 333-1212 Text: 873873

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