

**HOUSE . . . . . No. 1652**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act ensuring confidentiality for victims of rape and domestic violence..

*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. Section 97(D) of chapter 41 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking the entire section and adding the following  
3 language:

4           All reports of rape and sexual assault or attempts to commit such offenses, all reports of  
5 abuse perpetrated by family or household members as defined in G.L. 209A, section 1, and all  
6 conversations between police officers and victims of said offenses and abuse shall not be public  
7 reports and shall be maintained by the police departments in a manner which will assure their  
8 confidentiality, except that all such reports shall be accessible at all reasonable times to the  
9 victim and victim’s attorney, to others specifically authorized by the victim to obtain such  
10 information, and to prosecutors, victim-witness advocates as defined in section 1 of chapter  
11 258B, domestic violence victim’s counselors as defined in section 20K of chapter 233, sexual  
12 assault counselors as defined in section 20J of chapter 233, and to other law enforcement  
13 officers, if such access is necessary in the performance of their duties. Conversations between

14 police officers and victims of said offenses and abuse may also be shared with the forgoing  
15 named persons if such access is necessary in the performance of their duties.

16           Whoever violates any provision of this section shall be punished by imprisonment for not  
17 more than one year or by a fine of not more than one thousand dollars, or both.

18           SECTION 2. Section 98F of chapter 41 of the General Laws, as appearing in the 2004  
19 Official Edition, is hereby amended by striking the entire section and adding the following  
20 language:

21           Each police department and each college or university to which officers have been  
22 appointed pursuant to the provisions of section sixty-three of chapter twenty-two C shall make,  
23 keep and maintain a daily log, written in a form that can be easily understood, recording, in  
24 chronological order, all responses to valid complaints received, crimes reported, the names,  
25 addresses of persons arrested and the charges against such persons arrested. All entries in said  
26 daily logs shall, unless otherwise provided in law, be public records available without charge to  
27 the public during regular business hours and at all other reasonable times; provided, however,  
28 that any entry in a log which pertains to a handicapped individual who is physically or mentally  
29 incapacitated to the degree that said person is confined to a wheelchair or is bedridden or  
30 requires the use of a device designed to provide said person with mobility, any information  
31 concerning responses to reports of domestic violence, rape or sexual assault, or any entry  
32 concerning the arrest of a person for assault, assault and battery, or violation of a protective order  
33 where the victim is a family or household member, as defined in G.L. 209A, section 1, shall be  
34 kept in a separate log and shall not be a public record nor shall such entry be disclosed to the  
35 public.