

HOUSE No. 2252

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 ensuring confidentiality for victims of rape and domestic violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/21/2011</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>2/3/2011</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/3/2011</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2011</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/3/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/3/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/3/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>2/3/2011</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2011</i>
<i>Susan C. Fargo</i>		<i>2/3/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/3/2011</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/4/2011</i>
<i>Thomas P. Kennedy</i>		<i>2/4/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/4/2011</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>2/1/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2011</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	<i>2/3/2011</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/3/2011</i>

Denise Provost

27th Middlesex

2/3/2011

HOUSE No. 2252

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2252) of Alice Hanlon Peisch and others relative to ensuring confidentiality for victims of rape and domestic violence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1652 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 2008
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 2008
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.