

SENATE No. 695

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 relative to testimony in criminal proceedings.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Cynthia S. Creem

12th Middlesex

Ruth B. Balsler

SENATE No. 695

By Ms. Creem, a petition (accompanied by bill, Senate, No. 695) of Cynthia S. Creem and Ruth B. Balsler for legislation relative to testimony in criminal proceedings . The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2473 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to testimony in criminal proceedings.

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 20 of chapter 233 of the General Laws, as appearing in
2 the 2008 Official Edition, is hereby amended by striking out the Fourth clause, and inserting in
3 place thereof the following:-

4 Fourth, in a proceeding before an inquest, grand jury, trial of indictment or
5 complaint, or any other criminal, delinquency or youthful offender proceeding where the victim
6 in such proceeding is not a family member and does not reside in the family household, neither
7 the parent nor minor child shall testify against the other without the other’s permission. For the
8 purpose of this clause the term, “parent” shall mean the biological or adoptive parent, stepparent,
9 foster parent, legal guardian of a child, or any other person that has the right to act in loco
10 parentis for such child. In cases where the victim is a family member and resides in said

- 11 household, the parent shall not testify as to any communication with such child that was for the
- 12 purpose of seeking advice regarding the child's legal rights and decision making.