

SENATE No. 785

The Commonwealth of Massachusetts

PRESENTED BY:

John Hart, Jr.

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 the protection of child witnesses..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John Hart, Jr.</i>	
<i>Michael O. Moore</i>	
<i>James E. Timilty</i>	
<i>Nick Collins</i>	<i>4th Suffolk</i>

SENATE No. 785

By Mr. Hart, a petition (accompanied by bill, Senate, No. 785) of John Hart, Jr., Michael O. Moore, James E. Timilty and Nick Collins for legislation relative to the protection of child witnesses. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1706 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the protection of child witnesses..

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. Definitions —

2 (A) The term "child" shall mean a person who is under the age of 18, who is a witness to
3 a crime committed against another person;

4 (B) The term “members of the media” shall mean the group of journalists and others who
5 constitute the communications industry and profession. “Members of the media” shall include,
6 but not be limited to, those who work in the field of print or electronic journalism.

7 (C) The term “attendees” shall mean any person, who is neither an employee of the court,
8 judge, the defendant, an employee of the defendant, nor a member of the jury, who is present in

9 the court room at any point during the course of the trial. Members of the media, who attend the
10 trial, are considered attendees for the purposes of this act.

11 SECTION 2. Confidentiality of information —

12 (A) A person acting in a capacity described in subparagraph (B) in connection with a
13 criminal proceeding shall not (i) disclose or release documents, which divulge the name or any
14 other information, concerning a child or the information in them that concerns a child except to
15 persons who, by reason of their participation in the proceeding, have reason to know such
16 information; or (ii) disclose or release a picture of the child, except to persons who, by reason of
17 their participation in the proceeding, have reason to possess such a picture.

18 (B) Subparagraph (A) applies to--

19 (i) all employees of the Government connected with the case, including employees of the
20 Department of Justice, any law enforcement agency involved in the case, and any person hired
21 by the Government to provide assistance in the proceeding;

22 (ii) employees of the court;

23 (iii) the defendant and employees of the defendant, including the attorney for the
24 defendant and persons hired by the defendant or the attorney for the defendant to provide
25 assistance in the proceeding; and

26 (iv) members of the jury.

27 (v) attendees at the trial.

28 (vi) members of the media, who come across such documents or information regardless
29 of the source of such documents or information.

30 (3) Filing under seal.--All papers to be filed in court that disclose the name of or any
31 other information concerning a child shall be filed under seal without necessity of obtaining a
32 court order. The person who makes the filing shall submit to the clerk of the court--

33 (A) the complete paper to be kept under seal; and

34 (B) the paper with the portions of it that disclose the name of or other information
35 concerning a child redacted, to be placed in the public record.

36 (4) Disclosure of information.--This subsection does not prohibit disclosure of the name
37 of or other information concerning a child to the defendant, the attorney for the defendant, a
38 multidisciplinary child abuse team, a guardian ad litem, or an adult attendant, or to anyone to
39 whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the
40 child.

41 (5) Enforcement -- A knowing or intentional violation of the privacy protection accorded
42 by section 2 of this act is a criminal contempt punishable by not more than one year's
43 imprisonment, or a fine under this title, or both.