

HOUSE No. 1312

The Commonwealth of Massachusetts

PRESENTED BY:

John V. Fernandes

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 establishing a parent child testimonial privilege.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John V. Fernandes</i>	<i>10th Worcester</i>	<i>1/14/2013</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>	

HOUSE No. 1312

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 1312) of John V. Fernandes and Karen E. Spilka for legislation to establish a parent-child testimonial privilege. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2146 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing a parent child testimonial privilege.

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 20 of Chapter 233 of the General Laws, as appearing in the 2008 Official Edition,
2 is hereby amended by inserting after the fourth paragraph the following paragraph:-

3 Fifth, except in any proceeding where an unemancipated minor child is alleged to have
4 committed a crime against a family member, a parent of such unemancipated child shall not be
5 compelled to testify in any proceeding against the unemancipated minor child. A child, upon the
6 showing that the parent possesses exculpatory evidence, may compel the parent to testify. For
7 purposes of this clause, the term “parent” shall mean the natural or adoptive mother or father or
8 stepparent of said unemancipated minor child, provided such relationship existed at the time of
9 the event in question.