

SENATE No. 761

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:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 761

By Ms. Creem, a petition (accompanied by bill, Senate, No. 761) of Cynthia S. Creem for legislation relative to testimony in criminal proceedings . The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 697 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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 the 2012
2 Official Edition, is hereby amended by striking out the Fourth clause, and inserting in place
3 thereof the following:-

4 Fourth, in a proceeding before an inquest, grand jury, trial of indictment or complaint, or
5 any other criminal, delinquency or youthful offender proceeding where the victim in such
6 proceeding is not a family member and does not reside in the family household, neither the
7 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.