

SENATE No. 826

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 creating a rights of victims of sexual assault task force.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------|--------------------------------|
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> |
| <i>Tom Sannicandro</i> | <i>7th Middlesex</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> |
| <i>John H. Rogers</i> | <i>12th Norfolk</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |

SENATE No. 826

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 826) of Jennifer L. Flanagan, Tom Sannicandro, Harriette L. Chandler, John H. Rogers and other members of the General Court for legislation to create a rights of victims of sexual assault task force. The Judiciary.

The Commonwealth of Massachusetts

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

An Act creating a rights of victims of sexual assault task force.

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. Creation of the Rights of Victims of Sexual Assault Task Force

2 (a) There is hereby established a victim and witness assistance task force, whose
3 members shall serve without compensation. Notwithstanding any provision of section 6 of
4 chapter 268A to the contrary, the board shall be selected, unless otherwise indicated, and staffed
5 by the Massachusetts Office of Victim Assistance (“MOVA”) and shall consist of:

6 (i) the Executive Director of MOVA or his designee;

7 (ii) two representatives of rape crisis centers, as defined by section 20J of chapter 233;

8 (iii) the Superintendent of the Massachusetts State Police or his designee;

9 (iv) a law enforcement official working for a city or town police department;

10 (v) two representative of Massachusetts-based colleges or universities whose
11 occupational duties include the provision of direct services to victims of sexual assault and
12 whose employers are not under investigation by the Department of Education for alleged
13 violations of the federal Clery Act or Title IX of the United States Education Amendment Act of
14 1972;

15 (vi) two representatives of organizations that provide services, education, or outreach to
16 communities of color or immigrant communities;

17 (vii) a representative of an organization that provides services, education, or outreach to
18 lesbian, gay, bisexual, and transgender individuals;

19 (viii) a certified sexual assault nurse examiner; and

20 (ix) other individuals or representatives selected by MOVA, with the total task force not
21 to exceed 15 members.

22 (b) The Task Force shall study nationally recognized best practices and make
23 recommendations regarding:

24 (i) the development and implementation of an effective mechanism for submitting,
25 tracking, and investigating complaints regarding the handling of, or response to, a sexual assault
26 report or investigation by any agency or organization involved in the response;

27 (ii) whether a need exists for additional victim's advocates for victims of sexual assault,
28 and if such a need does exist, the Task Force shall:

29 (A) develop criteria to certify sexual assault victim advocates;

30 (B) create a plan for how the Commonwealth can provide, in conjunction with rape crisis
31 centers, victim's advocatess organization, and MOVA's existing SAFEPLAN program,
32 additional sexual assault victim advocates to meet the needs identified; and

33 (C) determine the cost of funding such a plan;

34 (iii) whether a need exists to expand the right to a victim's advocate beyond the hospital
35 and law enforcement interview settings, such as meetings and conversations with prosecutors,
36 and if such a need does exist, the Task Force shall:

37 (A) identify the scope and nature of the need; and

38 (B) make recommendations on how best to fill that need, whether legislatively or
39 otherwise;

40 (iv) whether a need to exists to provide for ongoing evaluation of the implementation of
41 these rights, and if such a need does exist, the Task Force shall:

42 (A) identify the scope and nature of the need; and

43 (B) make recommendations on how best to fill that need, whether legislatively or
44 otherwise; and

45 (v) whether there is an on-going need to maintain the Task Force after it issues its final
46 report, pursuant to subsection (c) of this chapter.

47 (c) No later than 18 months after passage of this act, the Task Force shall produce a
48 report that includes the result of the assessments, developments, and recommendations
49 completed pursuant to subsection (b) of this section. This Task Force shall transmit the report to

50 the legislature, the Governor, the Attorney General, the Superintendent of the Massachusetts
51 State Police, and victims' rights organizations and rape crisis centers. If the Task Force
52 determines that there is no on-going need to remain established, it shall disband upon the
53 issuance of the report.

54 (d) In undertaking its duties, the Task Force shall be empowered to retain independent
55 experts who may:

56 (i) request files and records from any law enforcement official, but all such information
57 shall be kept strictly confidential and reported on only as aggregated or anonymized;

58 (ii) conduct confidential interviews with law enforcement officials, medical examiners,
59 victim's advocates, and others with direct knowledge of how the sexual assault response process
60 is functioning; and

61 (iii) within the bounds of confidentiality, provide advice and recommendations to the
62 Task Force.