

SENATE No. 817

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone 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:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/2/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>3/2/2017</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 817) of Cynthia S. Creem, Jason M. Lewis, Marjorie C. Decker, Michael J. Barrett and other members of the General Court for legislation relative to testimony in criminal proceedings . The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 761 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 2014
2 Official Edition, is hereby amended by striking out the clause Fourth and inserting in place
3 thereof the following clause:-

4 Fourth, Except in a proceeding before an inquest, grand jury, trial of an indictment or
5 complaint or any other criminal, delinquency or youthful offender proceeding where the victim
6 in the 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; provided, however, that for the purpose of
8 this clause, “parent” shall mean the biological or adoptive parent, stepparent, foster parent, legal
9 guardian or any other person who has the right to act in loco parentis for the child; and provided,
10 further, that in cases where the victim is a family member and resides in the family household,

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