

HOUSE No. 1540

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo L. D'Emilia

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 preservation of evidence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/18/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/19/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/22/2021</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>2/24/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/24/2021</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/25/2021</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/25/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>4/25/2021</i>

HOUSE No. 1540

By Mr. D'Emilia of Bridgewater, a petition (accompanied by bill, House, No. 1540) of Angelo L. D'Emilia and others relative to the preservation of collected forensic evidence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3589 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the preservation of evidence.

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 18X of chapter 6A of the General Laws is hereby amended by
2 adding the following subsection:-

3 (h) Subject to appropriation, the executive office of public safety and security shall
4 reimburse a city or town or a grouping of cities or towns pursuant to section 97B of chapter 41 or
5 a hospital, licensed pursuant to chapter 111, for the preservation of forensic evidence or a sexual
6 assault evidence kit used for the collection and preservation of evidence in rape and sexual
7 assault cases.

8 SECTION 2. Section 97B of chapter 41 of the General Laws, as appearing in the 2016
9 Official Edition, is hereby amended by striking out, in line 31, the words “for a period of not less
10 than 15 years” and inserting in place thereof the following word:- permanently.

11 SECTION 3. Said section 97B, as so appearing, is hereby further amended by striking
12 out, in lines 38 to 41, inclusive, the words “for the length of the statute of limitations for the
13 identified crime whether or not that crime has been charged, and in no case shall the forensic
14 evidence be retained for less than 15 years” and inserting in place thereof the following word:-
15 permanently.

16 SECTION 4. Chapter 277 of the General Laws is hereby amended by striking out section
17 63 and inserting in place thereof the following section:-

18 Section 63. (a) An indictment for murder may be found at any time after the death of the
19 person alleged to have been murdered.

20 (b) An indictment or complaint for an offense set forth in section 13B, 13B ½, 13B ¾,
21 13F, 13L, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 50, 51, 52 of chapter 265 or section 2, 3, 4,
22 4A, 4B, 6, 7, 8, 12, 13, 26, 28, 29A, 29B, 29C, 33, 34, 35 or 35A of chapter 272, for conspiracy
23 to commit any of these offenses, as an accessory thereto, or any 1 or more of them may be found
24 and filed at any time after the date of the commission of such offense.

25 (c) An indictment for an offense set forth in sections 17, 18, 19 and 21 of said chapter
26 265 or section 17 of chapter 272, for conspiracy to commit any such crime, as an accessory
27 thereto, or any 1 or more of them may be found and filed within 10 years after the date of
28 commission of such offense.

29 (d) An indictment for any other crime shall be found and filed within 6 years after such
30 crime has been committed.

31 (e) Any period during which the defendant is not usually and publicly a resident within
32 the commonwealth shall be excluded in determining the time limited.

33 SECTION 5. Section 16 of chapter 278A of the General Laws, as so appearing, is hereby
34 amended by inserting after the word “trial”, in line 8, the following words:- provided, however,
35 that notwithstanding any provision of this section such evidence or biological material shall be
36 permanently retained if there was a conviction of a crime listed in subsection (b) of section 63 of
37 chapter 277.

38 SECTION 6. This act shall apply to all forensic evidence collected and retained for its
39 potential evidentiary value in the investigation of any crime listed in subsection (b) of section 63
40 of chapter 277 of the General Laws, including any such forensic evidence collected and retained
41 before the effective date of this act.