

HOUSE No. 1746

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins and Tricia Farley-Bouvier

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 enhancing protections for sexual violence survivors.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|--------------------------------|------------------|
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>1/15/2025</i> |
| <i>Tricia Farley-Bouvier</i> | <i>2nd Berkshire</i> | <i>1/15/2025</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/21/2025</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>2/8/2025</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/12/2025</i> |
| <i>Steven George Xiarhos</i> | <i>5th Barnstable</i> | <i>2/28/2025</i> |
| <i>Adrienne Pusateri Ramos</i> | <i>14th Essex</i> | <i>3/7/2025</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>4/11/2025</i> |

HOUSE No. 1746

By Representatives Higgins of Leominster and Farley-Bouvier of Pittsfield, a petition (accompanied by bill, House, No. 1746) of Natalie M. Higgins, Tricia Farley-Bouvier and others relative to enhancing protections for sexual violence survivors. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act enhancing protections for sexual violence survivors.

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 97B1/2 of chapter 41 of the General Laws is hereby amended by
2 striking out section (b)(2) and replacing it with:-

3 (2) Submit new sexual assault evidence kits to the crime laboratory within the department
4 of the state police or the police department of a municipality that operates a crime laboratory and
5 has a population of more than 150,000, in the case of a sexual assault alleged to have taken place
6 in that municipality, within 7 business days of taking possession. A sexual violence survivor/
7 victim who has not yet filed a report with law enforcement may elect their sexual assault
8 evidence kit to be tested. Alternatively, a survivor/victim may elect their kit to be safely stored
9 by law enforcement in a manner that preserves evidence for the duration of the statute of
10 limitations for all sexual assault and rape cases.

11 SECTION 2. Section 97B1/2 of chapter 41 of the General Laws is hereby amended by
12 adding subsection (e):-

13 (e) A survivor of sexual assault has the right not to have the results of the rape kit used to
14 prosecute the survivor/victim. Law enforcement agencies and their agents shall use
15 survivor/victim DNA samples or profiles only for purposes directly related to the incident being
16 investigated. No law enforcement agency or agent thereof may compare any of these
17 survivor/victim samples or profiles with DNA samples or profiles that do not relate to the
18 incident being investigated. No law enforcement agency or agent thereof may include any of
19 these survivor/victim DNA profiles in any database that allows these samples to be compared to
20 or matched with profiles derived from DNA evidence obtained from crime scenes.