HOUSE DOCKET, NO. 2886 FILED ON: 1/16/2025

HOUSE . . . . . No. 1826

The Commonwealth of Massachusetts

PRESENTED BY:

Kathleen R. LaNatra

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 transfer of the Victim Compensation Fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kathleen R. LaNatra	*12th Plymouth*	*1/16/2025*
Andrea Joy Campbell	*Attorney General*	*1/17/2025*
Michelle L. Badger	*1st Plymouth*	*2/23/2025*
Michael O. Moore	*Second Worcester*	*3/6/2025*

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HOUSE . . . . . No. 1826

By Representative LaNatra of Kingston, a petition (accompanied by bill, House, No. 1826) of Kathleen R. LaNatra and others relative to the Victim Compensation Fund. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the transfer of the Victim Compensation Fund.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 11K of chapter 12 of the General Laws is hereby repealed.

SECTION 2. Section 4 of chapter 258B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following 2 subsections:-

(f) administer the provisions of chapter 258C through the Massachusetts office for victim assistance.

(g) The executive director, appointed by the board, shall have the authority to promulgate rules and regulations pursuant to chapter 30A as may be necessary to carry out this chapter.

SECTION 3. Section 1 of chapter 258C of the General Laws, as so appearing, is hereby further amended by inserting before the definition of “Catastrophic injury” the following definition:-

"Agency", the Massachusetts office for victim assistance, which administers the provisions of chapter 258B on behalf of the victim and witness assistance board.

SECTION 4. Said section 1 of said chapter 258C, as so appearing, is hereby further amended by striking the definition of "Department".

SECTION 5. Said section 1 of said chapter 258C, as so amended, is hereby further amended by striking out, in lines 32, 64 and 65, the word "his", each time it appears, and inserting in place thereof, in each instance, the words:- the victim's.

SECTION 6. Said section 1 of said chapter 258C, as so appearing, is hereby further amended by striking the definition of "Division" and inserting in place thereof the following definition:-

"Director", the executive director of the Massachusetts office for victim assistance or the executive director's designee.

SECTION 7. Section 2 of said chapter 258C, as so appearing, is hereby amended by striking out, in lines 2, 9, 29, 40 and 41, the word "division", each time it appears, and inserting in place thereof, in each instance, the word:- agency.

SECTION 8. Said section 2 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 17, the word "he", and inserting in place thereof the words:- the claimant.

SECTION 9. Section 3 of chapter 258C of the General Laws, as amended by chapter 140 of the acts of 2024, is hereby amended by striking out, in lines 27 and 28, the word "program".

SECTION 10. Said section 3 of said chapter 258C, as so amended, is hereby further amended by striking out, in lines 61 and 68, the word “he”, each time it appears, and inserting in place thereof, in each instance, the words:- the victim.

SECTION 11. Said section 3 of said chapter 258C, as so amended, is hereby further amended by striking out, in line 73, the word “his”, and inserting in place thereof the words:- the victim’s.

SECTION 12. Chapter 258C of the General Laws is hereby amended by striking out section 4 as appearing in the 2022 Official Edition and inserting in place thereof the following section:-

Section 4. (a) The agency shall administer the provisions of this chapter. The director may appoint and remove such investigative, legal and clerical or other staff as the work of the agency requires.

(b) The director may promulgate rules and regulations pursuant to chapter 30A as may be necessary to carry out the provisions of this chapter.

(c) The director may apply for and receive sums which may be transmitted to the victim compensation fund maintained by the treasurer and for any other such funds as may become available to administer the requirements of this chapter.

SECTION 13. Section 5 of said chapter 258C, as so appearing, is hereby amended by striking out, in line 4, the word “he”, and inserting in place thereof the words:- the claimant.

SECTION 14. Said section 5 of said chapter 258C, as so appearing, is hereby further amended by striking out, in lines 6, 18, 20 and 26, the word “division”, each time it appears, and inserting in place thereof, in each instance, the word:- agency.

SECTION 14A. Said section 5 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 20, the words “an investigation”, and inserting in place thereof the words:- a review.

SECTION 15. Said section 5 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 22, the word “division”, and inserting in place thereof the words:- agency, through the attorney general,.

SECTION 16. Said section 5 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 33, the word “him”, and inserting in place thereof the word:- the person.

SECTION 17. Said section 5 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 33, the words “attorney general”, and inserting in place thereof the words:- agency, through the attorney general,.

SECTION 18. Section 6 of said chapter 258C, as so appearing, is hereby amended by striking out, in line 2, the word “division”, and inserting in place thereof the word:- agency.

SECTION 19. Chapter 258C of the General Laws is hereby amended by striking out section 7 as appearing in the 2022 Official Edition and inserting in place thereof the following section:-

Section 7. Within 15 days of completion of the claims review, the director shall notify the claimant of compensation to be paid or denied, and the reasons therefor, and issue payment in accordance with regulations established under this chapter. The notice shall contain information regarding the right of the claimant to petition for judicial review of the decision of the director.

SECTION 20. Section 8 of said chapter 258C, as so appearing, is hereby amended by striking out, in lines 2, 4, 5, 8, 11 and 16, the word “program”.

SECTION 21. Said section 8 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 5, the word “his”, and inserting in place thereof the words:- the director’s.

SECTION 22. Section 9 of said chapter 258C, as so appearing, is hereby amended by striking out, in lines 2, 6, 9, 11 and 42, the word “program”.

SECTION 23. Said section 9 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 12, the word “his”, and inserting in place thereof the words:- the director’s.

SECTION 24. Subsection (e) of said subsection 9 of said chapter 258C, as so appearing, is hereby further amended by striking out the fourth and fifth sentences and inserting in place thereof the following 2 sentences:-

The clerk of the court shall immediately notify the claimant in writing of the decision and shall forward to the agency a certified copy of the decision. The agency without further authorization shall, subject to appropriation, pay the claimant the amount determined by the court.

SECTION 25. Said subsection (e) of said subsection 9 of said chapter 258C, as so appearing, is hereby further amended by striking out, in lines 33, 34, 37, 40 and 41, the word “his”, each time it appears, and inserting in place thereof, in each instance, the words:- the victim’s.

SECTION 26. Section 11 of said chapter 258C, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “attorney general”, and inserting in place thereof the words:- agency.

SECTION 27. Said section 11 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 7, the words “attorney general”, and inserting in place thereof the words:- agency, through the attorney general,.

SECTION 28. Said section 11 of said chapter 258C, as so appearing, is hereby amended by striking out, in line 8, the word “he”.

SECTION 29. Section 12 of said chapter 258C, as so appearing, is hereby amended by striking out, in line 4, the word “division”, and inserting in place thereof the word:- agency.

SECTION 30. Said section 12 of said chapter 258C, as so appearing, is hereby amended by inserting after the word “general”, in line 15, the following words:- , representing the agency,.

SECTION 31. Chapter 258C of the General Laws is hereby amended by adding the following section:-

Section 15. (a) Except as otherwise provided in this section, all records and information received, obtained or maintained by the agency in connection with any claim for crime victim

compensation shall be confidential and privileged. All records and information shall not be disclosed by the agency or by anyone who receives such records or information from the agency.

(b) Nothing in this section shall preclude disclosure of records or information:

(i) for the processing of a claim by the agency or responding to an action in court seeking review of a decision by the agency;

(ii) consisting of information exchanged between the claimant or the claimant's authorized representative and the agency, provided that the claimant or the claimant's authorized representative consents to such disclosure in writing; or

(iii) upon a lawful order issued by a court of competent jurisdiction.

SECTION 32. This act shall take effect 180 days after passage.