

HOUSE No. 1378

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Vallee

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 enforcement of the victims' bill of rights.

PETITION OF:

NAME:

James E. Vallee

DISTRICT/ADDRESS:

10th Norfolk

HOUSE No. 1378

By Mr. Vallee of Franklin, a petition (accompanied by bill, House, No. 1378) of James E. Vallee relative to the rights of victims of crimes. The Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
—————

An Act relative to enforcement of the victims' bill of rights.

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 3 of Chapter 258B of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting the following:

3 (w) Any crime victim or the crime victim's lawful representative, and or the attorney for
4 the government, may assert the rights described in this chapter.

5 In a case where the court finds that the number of crime victims makes it impracticable to
6 accord all of the crime victims the rights described in this chapter, the court shall fashion a
7 reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the
8 proceedings.

9 The rights described in this chapter shall be asserted in the court in which a defendant is
10 being prosecuted for the crime or, if no prosecution is underway, in a district or superior court in
11 the county in which the crime occurred. The court shall take up and decide any motion asserting
12 a victim's right forthwith. If the court denies the relief sought, the Movant may file a petition for
13 relief with the Single Justice of the Supreme Judicial Court under M.G.L. Chapter 211, §3. The

14 Single Justice shall take up and decide such application forthwith within 72 hours after the
15 petition has been filed. If relief is denied, the reasons for the denial shall be clearly stated on the
16 record in a written opinion and Movant may file for further relief consistent with existing rules of
17 appellate procedure.

18 In any appeal in a criminal case, the government may assert as error any court's denial of
19 any crime victim's right in the proceeding to which the appeal relates.