

**HOUSE . . . . . No. 1312**

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The Commonwealth of Massachusetts

PRESENTED BY:

*John V. Fernandes*

*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 passage of the accompanying bill:

An Act establishing a parent child testimonial privilege.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*John V. Fernandes*

*10th Worcester*

*Karen E. Spilka*

*Second Middlesex and Norfolk*

**HOUSE . . . . . No. 1312**

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 1312) of John V. Fernandes and Karen E. Spilka for legislation to establish a parent child testimonial privilege. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE  
□ , NO. 2146 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act establishing a parent child testimonial privilege.

*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 20 of Chapter 233 of the General Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by inserting after the fourth paragraph the following paragraph:-

3 Fifth, except in any proceeding where an unemancipated minor child is alleged to have  
4 committed a crime against a family member, a parent of such unemancipated child shall not be  
5 compelled to testify in any proceeding against the unemancipated minor child. A child, upon the  
6 showing that the parent possesses exculpatory evidence, may compel the parent to testify. For  
7 purposes of this clause, the term “parent” shall mean the natural or adoptive mother or father or  
8 stepparent of said unemancipated minor child, provided such relationship existed at the time of  
9 the event in question.