

HOUSE No. 1530

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 to enhance the rights of crime victims in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/12/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/12/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/25/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/25/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/25/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/26/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/25/2021</i>
<i>Lindsay N. Sadosa</i>	<i>1st Hampshire</i>	<i>3/5/2021</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>3/26/2021</i>

HOUSE No. 1530

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 1530) of Marjorie C. Decker and others relative to the rights of victims of certain crimes. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to enhance the rights of crime victims in the Commonwealth.

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 1 of chapter 258B, as appearing in the 2018 Official Edition, is
2 hereby amended by inserting after the word “stepparent” in line 16 the following word:-
3 grandparent,

4 SECTION 2. Said Section 1 of chapter 258B, as so appearing, is hereby further amended
5 by inserting after the words “two hundred and fifty-eight C” in line 17 the following words:-
6 person with whom the victim lived and in a relationship similar to marriage,

7 SECTION 3. Said Section 1 of chapter 258B, as so appearing, is hereby further amended
8 by inserting, after line 18, the following words:-

9 “probation officer”, an associate probation officer, probation officer, assistant chief
10 probation officer, chief probation officer, regional probation supervisor, statewide probation
11 supervisor, victim service coordinator, the deputy commissioner of field services, and any other
12 personnel whom the commissioner of probation shall direct.

13 SECTION 4. Section 2 of said chapter 258b, as appearing in the 2018 Official Edition, is
14 hereby amended by inserting at the beginning the following:-

15 Services provided in this chapter shall be afforded to victims and family members of
16 violent crimes, including homicide and sexual assault, to the fullest extent possible in matters
17 that have not resulted in complaints or indictments have not been issued.

18 SECTION 5. Said Section 2 of said chapter 258B, as appearing in the 2018 Official
19 Edition, is hereby amended by inserting before the word “prosecutors” in line 1 the following
20 word:-

21 Furthermore,

22 SECTION 6. Subsection (l) of Section 3 of said chapter 258B, as so appearing, is hereby
23 amended by striking the word “A” in line 91 and inserting, in place thereof, the following word:-

24 B

25 SECTION 7. Said section 3 of said chapter 258B, as so appearing, is hereby amended by
26 striking out subsection (p) and inserting in place thereof the following subsection:-

27 (p) for victims, to be present and heard at sentencing or the disposition of the case against
28 the defendant. If a victim is unavailable or not present at the time the defendant pleads or is
29 found guilty, delinquent, or admits to sufficient facts, the court shall delay sentencing by no less
30 than one business day to afford victims the opportunity to be present and or heard. The court
31 may inquire of the prosecutor, on the record, whether the victim has indicated their desire to not
32 be present or heard at sentencing. Victims have the right to be heard through an oral and written
33 victim impact statement at sentencing or the disposition of the case against the defendant, even if

34 there is admission to sufficient facts, the sentence is mandatory, or there is an agreed upon plea,
35 about the effects of the crime on the victim and as to a recommended sentence, pursuant to
36 section four B of chapter two hundred and seventy-nine, and to be heard at any other time
37 deemed appropriate by the court. The court shall consider said victim impact statement in
38 disposition of the case against the defendant. The victim also has a right to submit the victim
39 impact statement to the parole board for inclusion in its records regarding the perpetrator of the
40 crime;

41 SECTION 8. Subsection (t) of said section 3 of said chapter 258B, as so appearing, is
42 hereby amended by inserting after the word “custody” in line 144 the following words:-
43 including a release on bail,

44 SECTION 9. Said section 3 of said chapter 258B, as so appearing, is hereby amended by
45 inserting the following sections:-

46 (x) for victims, to be notified by the prosecutor that they have the right to provide the sex
47 offender registry board with a written impact statement for inclusion in the convicted sex
48 offender’s classification determination pursuant to section 178K(1)(k) of chapter 6.

49 (y) for victims, to be notified by the probation officer if an offender has a violation of
50 probation hearing, any sentencing after a finding of a violation of probation, and any motion to
51 modify the sentence or disposition of probation, including a transfer of supervision or a motion
52 to terminate. Victims requesting such notice must provide the probation service with current
53 contact information.

54 (z) for victims, to be heard through an oral or written statement after a finding of a
55 violation of probation, and any motion to modify the sentence or disposition, including a motion
56 to terminate.

57 SECTION 10. Section 7 of said chapter 258B, as so appearing, is hereby amended by
58 inserting after the words “district attorney,” in line 1 the following words:- probation service,
59 parole board, sex offender registry board, department of correction, department of youth
60 services, sheriffs,

61 SECTION 11. The first sentence of section 4B of chapter 279, as appearing in the 2018
62 Official Edition, is hereby amended by striking the words “against the person or crime where
63 physical injury to a person results, excluding any crime for which a sentence of death may be
64 imposed, and which involves an identified victim whose whereabouts “ and inserting in place
65 thereof the following words:- a victim as defined by chapter 258B.

66 SECTION 12. Said Section 4B of chapter 279, as so appearing, is hereby further
67 amended by inserting after the fourth paragraph the following paragraph:-

68 The court shall consider said victim impact statement in disposition of the case against
69 the defendant.

70 SECTION 13. There shall be a bail notification special commission established pursuant
71 to section 2A of chapter 4 of the General Laws, referred to in this section as the commission. The
72 commission shall evaluate policies and procedures related to the current bail system and
73 recommend improvements or changes related to notification services, pursuant to section 3(t) of
74 chapter 258B, for victims and family members of crime, as defined by chapter 258B.

75 (a) The commission shall consist of no more than 11 members: 1 of whom shall be the
76 executive director of the Massachusetts office for victim assistance or designee, whom shall
77 serve as chair; 1 of whom shall be a member of the house of representatives appointed by the
78 speaker of the house of representatives; 1 of whom shall be a member of the senate appointed by
79 the president of the senate; 1 of whom shall be the chief justice of the trial court or designee; 1 of
80 whom shall be the secretary of the executive office of public safety and security or designee; 1 of
81 whom shall be the commissioner of probation service or designee; 1 of whom shall be the
82 president of the Massachusetts chiefs of police association or designee; 1 of whom shall be the
83 president of the Massachusetts sheriffs association or designee; 1 of whom shall be the president
84 of the Massachusetts district attorneys association or designee; and no more than 2 of whom
85 shall be crime victims appointed by the victim and witness assistance board.

86 (b) The commission shall submit its final report to the governor, the house and senate
87 chairs of the joint committee on the judiciary and the house and senate chairs of the joint
88 committee on public safety and homeland security not later than December 31, 2022 which shall
89 include: (i) an evaluation of the current practices relative to bail notification to victims and
90 family members when an offender is released from custody; (ii) an evaluation of what shall
91 constitute appropriate notification to victims and family members and the best practice in which
92 to provide notification (iii) a policy recommendation to ensure appropriate notification services
93 are provided to victims and family members dependent on the custodial authority in which an
94 offender is held; (iv) any proposed technology or multi-disciplinary system recommendations to
95 provide notification services, including contracting with state or non-state entities to develop
96 implementation plans and estimated costs to the commonwealth; and (v) any additional proposed

- 97 policy, regulatory, or statutory changes concerning notification services for victims and family
- 98 members within the pretrial system.