

HOUSE No. 02252

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 ensuring confidentiality for victims of rape and domestic violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>

Bradley H. Jones, Jr.

20th Middlesex

Denise Provost

27th Middlesex

HOUSE No. 02252

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 2252) of Walsh and others relative to ensuring confidentiality for victims of rape and domestic violence Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1652 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act ensuring confidentiality for victims of rape and domestic violence.

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 97(D) of chapter 41 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking the entire section and adding the following language:
3 All reports of rape and sexual assault or attempts to commit such offenses, all reports of abuse
4 perpetrated by family or household members as defined in G.L. 209A, section 1, and all
5 conversations between police officers and victims of said offenses and abuse shall not be public
6 reports and shall be maintained by the police departments in a manner which will assure their
7 confidentiality, except that all such reports shall be accessible at all reasonable times to the
8 victim and victim’s attorney, to others specifically authorized by the victim to obtain such
9 information, and to prosecutors, victim-witness advocates as defined in section 1 of chapter

10 258B, domestic violence victim's counselors as defined in section 20K of chapter 233, sexual
11 assault counselors as defined in section 20J of chapter 233, and to other law enforcement
12 officers, if such access is necessary in the performance of their duties. Conversations between
13 police officers and victims of said offenses and abuse may also be shared with the forgoing
14 named persons if such access is necessary in the performance of their duties.

15 Whoever violates any provision of this section shall be punished by imprisonment for not more
16 than one year or by a fine of not more than one thousand dollars, or both.

17 SECTION 2. Section 98F of chapter 41 of the General Laws, as appearing in the 2008 Official
18 Edition, is hereby amended by striking the entire section and adding the following language:

19 Each police department and each college or university to which officers have been appointed
20 pursuant to the provisions of section sixty-three of chapter twenty-two C shall make, keep and
21 maintain a daily log, written in a form that can be easily understood, recording, in chronological
22 order, all responses to valid complaints received, crimes reported, the names, addresses of
23 persons arrested and the charges against such persons arrested. All entries in said daily logs shall,
24 unless otherwise provided in law, be public records available without charge to the public during
25 regular business hours and at all other reasonable times; provided, however, that any entry in a
26 log which pertains to a handicapped individual who is physically or mentally incapacitated to the
27 degree that said person is confined to a wheelchair or is bedridden or requires the use of a device
28 designed to provide said person with mobility, any information concerning responses to reports
29 of domestic violence, rape or sexual assault, or any entry concerning the arrest of a person for
30 assault, assault and battery, or violation of a protective order where the victim is a family or

31 household member, as defined in G.L. 209A, section 1, shall be kept in a separate log and shall
32 not be a public record nor shall such entry be disclosed to the public.