

HOUSE No. 3455

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

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 protecting the safety of victims of violent crimes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>

HOUSE No. 3455

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 3455) of Chynah Tyler and others relative to records and information received by the Division of Victim Compensation and assistance within the Department of the Attorney General. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act protecting the safety of victims of violent crimes.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the safety of victims of violent crimes by ensuring records and information received, obtained or maintained by the division in connection with any claim for crime victim compensation shall be confidential and privileged, and shall not be disclosed by the division or by anyone who receives such records or information from the division, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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. Chapter 258C of the General Laws, as appearing in the 2018 Official
2 Edition, is amended by adding the following new section:-

3

4 Section 15. (a) Except as otherwise provided in this section, all records and information
5 received, obtained or maintained by the division in connection with any claim for crime victim
6 compensation shall be confidential and privileged, and shall not be disclosed by the division or
7 by anyone who receives such records or information from the division. (b) Nothing in this
8 section shall preclude disclosure of records or information: (1) for the processing of a claim by

9 the division or responding to an action in court seeking review of a decision by the division, at
10 the sole discretion of the attorney general or her designee; (2) consisting of information
11 exchanged between the claimant or his or her authorized representative and the division,
12 provided that the claimant or his or her authorized representative consents to such disclosure in
13 writing; (3) in response to a request for information for legitimate criminal justice purposes, at
14 the sole discretion of the attorney general or her designee; (4) to the extent required by rules of
15 criminal procedure governing mandatory discovery, or the production or introduction into
16 evidence of exculpatory or statutorily privileged records; or (5) upon a lawful order issued by a
17 court of competent jurisdiction.