HOUSE DOCKET, NO. 768 FILED ON: 1/14/2013

HOUSE . . . . . No. 1312

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:

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 DOCKET, NO. 768 FILED ON: 1/14/2013

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

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:

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

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