HOUSE DOCKET, NO. 1097 FILED ON: 1/19/2011

HOUSE . . . . . No. 1378

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Vallee

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 relative to enforcement of the victims' bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Vallee	*10th Norfolk*

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HOUSE . . . . . No. 1378

By Mr. Vallee of Franklin, a petition (accompanied by bill, House, No. 1378) of James E. Vallee relative to the rights of victims of crimes. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to enforcement of the victims' bill of rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 3 of Chapter 258B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following:

(w) Any crime victim or the crime victim's lawful representative, and or the attorney for the government, may assert the rights described in this chapter.

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in this chapter, the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

The rights described in this chapter shall be asserted in the court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in a district or superior court in the county in which the crime occurred. The court shall take up and decide any motion asserting a victim's right forthwith. If the court denies the relief sought, the Movant may file a petition for relief with the Single Justice of the Supreme Judicial Court under M.G.L. Chapter 211, §3. The Single Justice shall take up and decide such application forthwith within 72 hours after the petition has been filed. If relief is denied, the reasons for the denial shall be clearly stated on the record in a written opinion and Movant may file for further relief consistent with existing rules of appellate procedure.

In any appeal in a criminal case, the government may assert as error any court's denial of any crime victim's right in the proceeding to which the appeal relates.