SENATE DOCKET, NO. 553 FILED ON: 1/19/2011

SENATE . . . . . No. 695

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 testimony in criminal proceedings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
Ruth B. Balser	*12th Middlesex*

SENATE DOCKET, NO. 553 FILED ON: 1/19/2011

SENATE . . . . . No. 695

By Ms. Creem, a petition (accompanied by bill, Senate, No. 695) of Cynthia S. Creem and Ruth B. Balser for legislation relative to testimony in criminal proceedings
. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *2473* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to testimony in criminal proceedings.

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 20 of chapter 233 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the Fourth clause, and inserting in place thereof the following:-

Fourth, in a proceeding before an inquest, grand jury, trial of indictment or complaint, or any other criminal, delinquency or youthful offender proceeding where the victim in such proceeding is not a family member and does not reside in the family household, neither the parent nor minor child shall testify against the other without the other's permission. For the purpose of this clause the term, "parent" shall mean the biological or adoptive parent, stepparent, foster parent, legal guardian of a child, or any other person that has the right to act in loco parentis for such child. In cases where the victim is a family member and resides in said household, the parent shall not testify as to any communication with such child that was for the purpose of seeking advice regarding the child's legal rights and decision making.