

HOUSE No.

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:
Alice Hanlon Peisch	14th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1673 OF .]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

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 2006 Official Edition, is hereby
2 amended by striking the entire section and adding the following language:
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4 All reports of rape and sexual assault or attempts to commit such offenses, all reports of abuse perpetrated by family
5 or household members as defined in G.L. 209A, section 1, and all conversations between police officers and victims
6 of said offenses and abuse shall not be public reports and shall be maintained by the police departments in a manner
7 which will assure their 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 information, and to
9 prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, domestic violence victim's
10 counselors as defined in section 20K of chapter 233, sexual assault counselors as defined in section 20J of chapter
11 233, and to other law enforcement officers, if such access is necessary in the performance of their duties.
12 Conversations between police officers and victims of said offenses and abuse may also be shared with the forgoing
13 named persons if such access is necessary in the performance of their duties.
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15 Whoever violates any provision of this section shall be punished by imprisonment for not more than one year or by a
16 fine of not more than one thousand dollars, or both.
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18 SECTION 2. Section 98F of chapter 41 of the General Laws, as appearing in the 2004 Official Edition, is hereby
19 amended by striking the entire section and adding the following language:
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21 Each police department and each college or university to which officers have been appointed pursuant to the
22 provisions of section sixty-three of chapter twenty-two C shall make, keep and maintain a daily log, written in a
23 form that can be easily understood, recording, in chronological order, all responses to valid complaints received,
24 crimes reported, the names, addresses of persons arrested and the charges against such persons arrested. All entries
25 in said daily logs shall, unless otherwise provided in law, be public records available without charge to the public
26 during regular business hours and at all other reasonable times; provided, however, that any entry in a log which
27 pertains to a handicapped individual who is physically or mentally incapacitated to the degree that said person is

28 confined to a wheelchair or is bedridden or requires the use of a device designed to provide said person with
29 mobility, any information concerning responses to reports of domestic violence, rape or sexual assault, or any entry
30 concerning the arrest of a person for assault, assault and battery, or violation of a protective order where the victim
31 is a family or household member, as defined in G.L. 209A, section 1, shall be kept in a separate log and shall not be
32 a public record nor shall such entry be disclosed to the public.

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