

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**John A. Hart, Jr.**

*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 Relative to the Protection of Child Witnesses.**

PETITION OF:

NAME:

John A. Hart, Jr.

DISTRICT/ADDRESS:

First Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00917 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO THE PROTECTION OF CHILD WITNESSES.

*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. Definitions —

2 (A) The term "child" shall mean a person who is under the age of 18, who is a witness to a crime  
3 committed against another person;

4 (B) The term "members of the media" shall mean the group of journalists and others who  
5 constitute the communications industry and profession. "Members of the media" shall include,  
6 but not be limited to, those who work in the field of print or electronic journalism.

7 (C) The term "attendees" shall mean any person, who is neither an employee of the court, judge,  
8 the defendant, an employee of the defendant, nor a member of the jury, who is present in the  
9 court room at any point during the course of the trial. Members of the media, who attend the  
10 trial, are considered attendees for the purposes of this act.

11 Section (2) Confidentiality of information —

12 (A) A person acting in a capacity described in subparagraph (B) in connection with a  
13 criminal proceeding shall not

14 (i) disclose or release documents, which divulge the name or any other information,  
15 concerning a child or the information in them that concerns a child except to persons  
16 who, by reason of their participation in the proceeding, have reason to know such  
17 information; or

18 (ii) disclose or release a picture of the child, except to persons who, by reason of their  
19 participation in the proceeding, have reason to possess such a picture.

20 (B) Subparagraph (A) applies to--

21 (i) all employees of the Government connected with the case, including employees of the  
22 Department of Justice, any law enforcement agency involved in the case, and any person  
23 hired by the Government to provide assistance in the proceeding;

24 (ii) employees of the court;

25 (iii) the defendant and employees of the defendant, including the attorney for the  
26 defendant and persons hired by the defendant or the attorney for the defendant to provide  
27 assistance in the proceeding; and

28 (iv) members of the jury.

29 (v) attendees at the trial.

30 (vi) members of the media, who come across such documents or information regardless  
31 of the source of such documents or information.

32 (3) Filing under seal.--All papers to be filed in court that disclose the name of or any other  
33 information concerning a child shall be filed under seal without necessity of obtaining a court  
34 order. The person who makes the filing shall submit to the clerk of the court--

35 (A) the complete paper to be kept under seal; and

36 (B) the paper with the portions of it that disclose the name of or other information concerning  
37 a child redacted, to be placed in the public record.

38 (4) Disclosure of information.--This subsection does not prohibit disclosure of the name of or  
39 other information concerning a child to the defendant, the attorney for the defendant, a  
40 multidisciplinary child abuse team, a guardian ad litem, or an adult attendant, or to anyone to  
41 whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the  
42 child.

43 (5) Enforcement -- A knowing or intentional violation of the privacy protection accorded by  
44 section 2 of this act is a criminal contempt punishable by not more than one year's imprisonment,  
45 or a fine under this title, or both.