
Chap. 476

SECTION 13. This act shall take effect upon its passage.

Approved January 14, 1994.

Chapter 477. AN ACT ESTABLISHING THE ADMISSIBILITY OF EVIDENCE OF ABUSE IN CRIMINAL ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 233 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following new section:-

Section 23E. In the trial of criminal cases charging the use of force against another where the issue of (1) defense of self or another, (2) defense of duress or coercion, or (3) accidental harm is asserted a defendant shall be permitted to introduce either or both of the following in establishing the reasonableness of the defendant's apprehension that death or serious bodily injury was imminent, the reasonableness of the defendant's belief that he or she had availed him- or herself of all available means to avoid physical combat and/or the reasonableness of a defendant's perception of the amount of force necessary to deal with the perceived threat:

(a) evidence that the defendant is or has been the victim of acts of physical, sexual or psychological harm or abuse;

(b) evidence by expert testimony regarding the common pattern in abusive relationships; the nature and effects of physical, sexual or psychological abuse and typical responses thereto, including how those effects relate to the perception of the imminent nature of the threat of death or serious bodily harm; the relevant facts and circumstances which form the basis for such opinion; and evidence whether the defendant displayed characteristics common to victims of abuse.

SECTION 2. Nothing herein shall be interpreted to preclude the introduction of evidence or expert testimony as described in subsection (a) and (b) above in any civil or criminal action where such evidence or expert testimony is otherwise now admissible.

Approved January 14, 1994.

Chapter 478. AN ACT RELATIVE TO THE COMPENSATION OF VICTIMS OF VIOLENT CRIME.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by inserting after section 11J the following section:-