

SENATE No. 1005

By Mr. W. Paul White, a petition (accompanied by bill, Senate, No. 1005) of W. Paul White, Frederick E. Berry, Joseph K. Mackey, Thomas P. Walsh, William R. Keating and the Victim and Witness Assistance Board, by Karen McLaughlin, executive director, for legislation to protect victims and witnesses who testify at criminal proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT TO PROTECT VICTIMS AND WITNESSES WHO TESTIFY AT 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:

1 SECTION 1. Chapter 258B of the General Laws, as appearing
2 in the 1984 Official Edition, is hereby amended in section 3 by
3 inserting after subsection (k) the following subsection: —

4 (l) For victims and witnesses who have received a subpoena
5 to testify, to be free from discharge or penalty or threat of
6 discharge or penalty by their employer by reason of their
7 attendance as a witness at a criminal proceeding. A victim or
8 witness who notifies his employer of his subpoena to appear as
9 a witness prior to the day of his attendance, shall not on account
10 of his absence from employment by reason of such witness service
11 be subject to discharge or penalty by his employer. The subsection
12 of an employee to discharge or penalty or the threat of discharge
13 or penalty on account of his absence from employment for the
14 aforementioned reason, shall constitute a contempt of court and
15 may be punished by a fine of not more than two hundred dollars
16 or by imprisonment for not more than a month, or both.

1 SECTION 2. Chapter 268 of the General Laws is hereby
2 amended by adding after section 14A the following new
3 section: —

4 Section 14B. Any person who is a victim of a crime upon which
5 an accusatory instrument is based, or is subpoenaed to attend a
6 criminal action as a witness and who notifies his employer of his
7 subpoena to appear as a witness prior to the day of his attendance,
8 shall not on account of his absence from employment by reason
9 of such witness service be subject to discharge or penalty by his
10 employer. The subjection of an employee to discharge or penalty
11 or the threat of discharge or penalty on account of his absence
12 from employment by reason of his attendance as a witness at a
13 criminal action, shall constitute a contempt of court and may be
14 punished by a fine of not more than two hundred dollars or by
15 imprisonment for not more than one month, or both.