

**SENATE . . . . . No. 2010**

---

**The Commonwealth of Massachusetts**

---

SENATE, June 28, 1982.

The committee on Ways and Means, to whom was committed the Senate bill providing for the rights of victims and witnesses of crime (Senate, No. 1681), reports recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2010).

For the Committee,

CHESTER G. ATKINS

## The Commonwealth of Massachusetts

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

### AN ACT PROVIDING FOR THE RIGHTS OF VICTIMS AND WITNESSES OF CRIMES.

*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. The General Laws are hereby amended by in-  
2 serting after chapter 258A the following new chapter: —

3 Chapter 258B  
4 RIGHTS OF VICTIMS  
5 AND WITNESSES OF CRIME

6 *Section 1.* The following words as used in this chapter shall  
7 have the following meanings, unless the context requires  
8 otherwise: —

9 “Board,” the Victim/Witness Assistance Board as establish-  
10 ed in section eight.

11 “Crime,” an act committed in the commonwealth which, if  
12 committed by a competent adult, would constitute a crime.

13 “Family member,” a spouse, child, sibling, parent, or legal  
14 guardian.

15 “Victim,” a person against whom a crime has been com-  
16 mitted.

17 “Witness,” any person who has been or is expected to be  
18 summoned to testify for the prosecution, or who by reason of  
19 having relevant information is subject to call or likely to be  
20 called as a witness for the prosecution, whether or not any ac-  
21 tion or proceeding has yet been commenced.

22 *Section 2.* A victim has the rights and is eligible for the  
23 services under this chapter only if the victim reported the  
24 crime to law enforcement authorities within five days of its  
25 occurrence or discovery, unless he or she had a reasonable  
26 excuse not to do so.

27 *Section 3.* Victims and witnesses of crimes have the follow-  
28 ing rights: —

29 To be informed by local law enforcement agencies and the

30 district attorney of the final disposition of the case. If the  
31 crime charged is a felony the victim shall be notified when-  
32 ever the defendant or perpetrator is released from custody.

33 To be notified that a court proceeding to which they have  
34 been subpoenaed will not go on as scheduled, in order to save  
35 the person an unnecessary trip to court.

36 To receive protection from harm and threats of harm aris-  
37 ing out of their cooperation with law enforcement and prose-  
38 cution efforts, and to be provided with information as to the  
39 level of protection available.

40 To be informed of financial assistance and other social serv-  
41 ices available as a result of being a witness or a victim of a  
42 crime, including information on how to apply for the assist-  
43 ance and services.

44 To be informed of the procedure to be followed in order to  
45 apply for and receive any witness fee to which they are en-  
46 titled.

47 To be provided, whenever possible, a secure waiting area  
48 during court proceedings that does not require them to be in  
49 close proximity to defendants and families and friends of de-  
50 fendants.

51 To have any stolen or other personal property expeditiously  
52 returned by law enforcement agencies when no longer needed  
53 as evidence. If feasible, all such property, except weapons,  
54 currency, contraband, property subject to evidentiary anal-  
55 ysis and property the ownership of which is disputed, shall be  
56 returned to the person within ten days of being taken.

57 To be provided with appropriate employer intercession serv-  
58 ices to ensure that employers of victims and witnesses will co-  
59 operate with the criminal justice process in order to minimize  
60 an employee's loss of pay and other benefits resulting from  
61 court appearances.

62 To be entitled to a speedy disposition of the case in which  
63 they are involved as a victim or a witness in order to mini-  
64 mize the length of time they must endure the stress of their  
65 responsibilities in connection with the matter.

66 To have the family members of all homicide victims afforded  
67 all of the rights listed above and analogous services whether  
68 or not they are witnesses in any criminal proceedings.

69 *Section 4.* Courts, subject to appropriation, shall provide  
70 victims and witnesses the following services: —

71 (a) Court appearances notification services, including can-  
72 cellations of appearances.

73 (b) Victim compensation and social services referrals, in-  
74 cluding witness fee collection, case-by-case referrals and pub-  
75 lic information.

76 (c) Escort and other transportation services related to the  
77 investigation or prosecution of the case, if necessary or ad-  
78 visable.

79 (d) Case progress notification services.

80 (e) Employer intercession services.

81 (f) Expedited return of property services.

82 (g) Protection services.

83 (h) Family support services, including child and other de-  
84 pendent care services.

85 (i) Waiting facilities.

86 *Section 5.* Each court in the trial court is responsible for  
87 the enforcement of rights and the provision of services pro-  
88 vided herein. Each court shall submit a program plan to the  
89 office of the chief administrative justice of the trial court for  
90 its approval not later than six months after the effective date  
91 of this act and annually thereafter.

92 The program plan shall describe the level of services to  
93 victims and witnesses that the court intends to provide; the  
94 personnel or agencies responsible for related administrative  
95 programs and individual services; proposed staffing for the  
96 program; proposed education, training and experience require-  
97 ments for program staff and the staff of agencies providing  
98 related administrative programs and individual services; and  
99 the court's budget for implementing the program. The plan  
100 shall provide that the district attorney and local law enfor-  
101 cement agencies shall make available to the courts all reports or  
102 files, except reports or files which are required by statute to be  
103 kept confidential, if the reports or files are required by the  
104 court to carry out program responsibilities. In August of each  
105 year, the court shall submit a report to the office of the chief  
106 administrative justice of the trial court on the operation of the  
107 plan, including the enforcement of rights and the provision of

108 services.

109 The chief administrative justice of the trial court shall re-  
110 view and approve the implementation and operation of pro-  
111 grams and the annual reports under this section. He shall  
112 promulgate rules for implementing and administering court  
113 programs approved under this section.

114 *Section 6.* The district attorney, local law enforcement  
115 agencies, local social service agencies and court shall all co-  
116 operate with each other to ensure that victims and witnesses  
117 of crimes receive the rights and services to which they are  
118 entitled under this chapter.

119 *Section 7.* A cost of twenty dollars shall be imposed against  
120 any person convicted of a felony and ten dollars imposed  
121 against any person convicted of a misdemeanor. When multi-  
122 ple offenses for an incident are charged, the total assessment  
123 shall not exceed twenty dollars.

124 All assessments shall be collected by the clerk of each court  
125 upon a conviction and shall be transmitted monthly to the  
126 treasurer. The assessment from any conviction which is sub-  
127 sequently overturned on appeal shall be refunded by the clerk  
128 of each court to the person whose conviction is overturned.  
129 Said clerk shall deduct such refunds from the assessments  
130 transmitted to the treasurer.

131 There is hereby created the Victim/Witness Assistance  
132 Fund to be established on the books of the Commonwealth in  
133 the state treasury. Any cost assessment imposed pursuant to  
134 this section shall be deposited in said fund, the proceeds of  
135 which will be available for appropriation by the board to pro-  
136 vide funds to local comprehensive programs which aid vic-  
137 tims and witnesses.

138 Funds assessed pursuant to this section shall be made avail-  
139 able to the board without further appropriation to be used for  
140 those public programs for the assistance of victims and wit-  
141 nesses which: —

142 (1) provide comprehensive services to victims and wit-  
143 nesses of all types of crimes and do not restrict services to  
144 victims and witnesses of a particular type or types of crime;

145 (2) are recognized by the board as a major provider of com-  
146 prehensive services to such victims and witnesses; and

147 (3) are selected by the board as eligible programs to re-  
148 ceive such funds.

149 *Section 8.* There is hereby established a Victim/Witness  
150 Assistance Board, to consist of nine members: two of whom  
151 shall be appointed by the governor, two of whom shall be ap-  
152 pointed by the district attorney's association, two of whom  
153 shall be appointed by the attorney general, one of whom shall  
154 be a member of the senate to be appointed by the president of  
155 the senate, and one of whom shall be a member of the house  
156 to be appointed by the speaker of the house.

157 The board shall have the following powers and duties: —

158 (1) To review application for funding for comprehensive as-  
159 sistance program.

160 (2) To provide funds to comprehensive victim/witness as-  
161 sistance programs as the board deems appropriate, pursuant to  
162 section seven, within the available resources. Any administra-  
163 tive costs related to the operation of said fund shall be paid  
164 from said fund. The board may also apply for and receive  
165 moneys for said fund from any federal or private source.



