

By Mrs. Gray of Framingham, petition of Barbara E. Gray and other members of the House and another relative to the introduction of certain evidence in rape cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT RELATING TO THE INTRODUCTION OF EVIDENCE IN RAPE CASES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 233 of the General Laws is hereby amended by
2 inserting after Section 23B the following new section:

3 *Section 23C.* In prosecutions for the crime of rape, evidence of
4 the prosecuting witness' previous sexual conduct shall not be
5 admitted, nor reference made thereto in the presence of the jury,
6 except as provided herein. Evidence of the prosecuting witness'
7 previous sexual conduct shall be admissable if the defendant shall
8 make application to the court before or during the trial.

9 The court shall conduct a hearing in camera as to the relevancy
10 of such evidence of previous sexual conduct, and shall limit the
11 questioning and control the admission and exclusion of evidence
12 upon trial.

13 In no event shall such evidence of previous sexual conduct of
14 the prosecuting witness committed more than one year prior to
15 the date of the alleged crime be admissable upon the trial, except
16 previous sexual conduct with the defendant. Nothing in this
17 section shall limit the right of either the state or the accused to
18 impeach credibility by the showing of prior felony convictions.

