

By Ms. Khan of Newton, petition of Kay Khan and other members of the General Court relative to protecting the privacy rights of victims of crimes. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO VICTIMS 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 Chapter 41 of the General Laws, as appearing in the 2000 Offi-
2 cial Edition, is hereby amended by inserting after Section 98G the
3 following section:—

4 Section 98H. Whenever any law officer has reason to believe a
5 person has been the victim of a crime the officer shall give such
6 person immediate and adequate notice of his or her rights. Such
7 notice shall consist of handing said person a copy of the statement
8 which follows below and reading the same to said person. Where
9 said person's native language is not English, the statement shall
10 be then provided in said person's native language whenever possi-
11 ble.

12 You have the right to refuse to answer questions or produce any
13 personal information which is not directly related to this investi-
14 gation and which is protected by a privilege or right of privacy,
15 including, but not limited to, information regarding your sexual
16 orientation and sexual history, medical or mental health history,
17 counseling or therapy, conversations with a spouse, attorney, reli-
18 gious counselor, mental health or medical care provider. You also
19 have the right to seek legal counsel, at your own cost, before
20 answering these or any other questions that are not directly related
21 to the investigation of this matter. If you object to the disclosure
22 of such information, a judge may nevertheless order it released at
23 a future date. You and/or the holder of your personal information
24 have a right to notice and a hearing before a judge takes such

25 action. If this matter proceeds to prosecution and disclosure is
26 ordered by a judge or if you elect to reveal private information
27 without a court order, such information may be disclosed to the
28 lawyers, the defendant, the judge and/or expert witnesses involved
29 in the case. Such information may also be revealed in a public
30 forum such as court pleadings, hearings and during the trial.