

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

WILLIAM F. WELD
GOVERNOR

MARGO PAUL CELLUCCI
LIEUTENANT GOVERNOR

February 9, 1994

To the Honorable Senate and House of Representatives:

Today we are filing for your consideration the attached legislative proposal, entitled, "An Act Ensuring Access To The Criminal Justice System For Victims Of Crime."

After suffering physical injury, emotional trauma, and financial loss, many victims of crime are victimized further by a criminal justice system, beginning with the prosecution phase, continuing through the offender's incarceration, and in most cases eventual release, which they find bewilderingly complex and often insensitive to their needs. Despite increased awareness in recent years by prosecutors and correctional agencies, victims still too often encounter obstacles to obtaining basic information about the sentencing and custody status of an offender.

Although most district attorneys offices in the Commonwealth make every effort to inform victims of their right to obtain important information about the defendant after sentencing, many victims remain unaware that they have the right to be informed. Those victims who expect to receive information are often not aware that they must first become certified with the Criminal History Systems Board. This legislation will ensure that victims are made aware of their right to information concerning the offender's length of sentence, level of custody, and release eligibility by statutorily requiring district attorneys to inform them of the certification process. Once certified, the custodial authority and the Parole Board will be statutorily obligated to inform victims of changes in custodial status, parole eligibility and provisional or final release.

No victim need ever be shocked to learn that an offender has been moved through the system and released back into the

community without notice and an opportunity to be heard. This legislation will ensure that victims of crime are not revictimized by the system, but rather that our system of justice is responsive and sensitive to their needs.

We urge your prompt consideration of this proposal.

Respectfully submitted,



William F. Weld
Governor



Argeo Paul Cellucci
Lieutenant Governor

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT ENSURING ACCESS TO THE CRIMINAL JUSTICE SYSTEM FOR VICTIMS
OF CRIME.

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 3 of Chapter 258B of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby amended by striking out
3 paragraphs (a) and (h) and inserting in place thereof, respectively,
4 the following: —

5 (a) for victims and witnesses to be informed by the prosecutor
6 of: (1) the final disposition of the case; (2) their right, upon request,
7 to be certified by the criminal history systems board to receive
8 criminal offender record information pursuant to sections one
9 hundred seventy-two and one hundred seventy-nine A of chapter
10 six, and after such certification to be notified by the appropriate
11 custodial authority of the defendant's transfer to minimum
12 security custody or pre-release status, and date of eligibility for
13 parole, and of subsequent changes with regard to the defendant's
14 custody status or parole eligibility; and (3) their right, upon
15 request, to be informed by the appropriate custodial authority
16 whenever the defendant receives a temporary, provisional or final
17 release from custody or supervision, or whenever the defendant
18 escapes from custody. Persons eligible to receive such information
19 as provided in this paragraph shall provide the appropriate
20 prosecutorial or custodial authority with current information as
21 to address and telephone number;

22 (h) for victims and witnesses who have been certified to receive
23 criminal offender record information as described in paragraph
24 (a) of this section to be notified of an upcoming parole hearing
25 or of a defendant's request for termination of sentence pursuant
26 to section one hundred thirty A of chapter one hundred twenty-
27 seven, to be provided an opportunity to submit a written statement
28 to the parole board, and to be notified if the defendant is to be

29 released on parole; except that in the case of a defendant serving
30 a life sentence for murder in the second degree or for any other
31 offense other than murder in the first degree, notification with
32 respect to parole eligibility and parole hearings shall be given as
33 provided by section one hundred thirty-three A of chapter one
34 hundred twenty-seven.