

By Mrs. Gray of Framingham, petition of Barbara E. Gray, Sharon M. Pollard, Doris Bunte and Saundra Graham that provision be made for the payment of compensation to victims of rape. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR VICTIM COMPENSATION IN CASES OF RAPE.

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 258A of the General Laws as amended by
2 Chapter 852 of the Acts of 1977 is hereby amended by striking out
3 the second paragraph and inserting in place thereof the follow-
4 ing: —

5 An offender or an accomplice of an offender or, except in cases
6 of rape, a member of the family of the offender or a person
7 maintaining sexual relations with the offender shall not be eligible
8 to receive compensation with respect to a crime committed by the
9 offender.

1 SECTION 2. Section 5 of Chapter 258A is hereby amended by
2 striking the first paragraph and inserting in place thereof the
3 following paragraph: —

4 No compensation shall be paid, except in case of rape, unless the
5 claimant has incurred an out-of-pocket loss of at least one hundred
6 dollars or has lost two continuous weeks of earnings or support.
7 Out-of-pocket loss shall mean unreimbursed or unreimbursable
8 expenses or indebtedness reasonably incurred for medical care or
9 other services necessary as a result of the injury upon which such
10 claim is based. In case of rape, out-of-pocket losses requiring

11 compensation shall include counselling, emergency funds for hous-
12 ing, pain, suffering and mental distress. Except in case of rape, one
13 hundred dollars shall be deducted from any award granted under
14 this chapter.

1 SECTION 3. Section 5 of Chapter 258A is hereby further
2 amended in the second paragraph by inserting after the words,
3 “occurrence of such crime” the following phrase: — except in case
4 of rape