

SENATE No. 1206

By Mr. Keating, a petition (accompanied by bill, Senate, No. 1206) of William R. Keating, Michael W. Morrissey, Salvatore R. Albano and John F. Cox for legislation to create within the Commonwealth of Massachusetts a statewide system of crime laboratories. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT CREATING WITHIN THE COMMONWEALTH OF MASSACHUSETTS A STATEWIDE SYSTEM OF CRIME LABORATORIES.

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

1 The General Laws are hereby amended by inserting after
2 chapter 38 the following chapter: —

3 **CHAPTER 38A.**
4 **MASSACHUSETTS**
5 **FORENSIC LABORATORY INSTITUTE.**

6 SECTION 1. In this chapter, except when the context
7 otherwise requires, the following words shall have the following
8 meanings:

9 "Attorney General", the Attorney General of the Common-
10 wealth of Massachusetts;

11 "Board of Trustees" six member board having the authority to
12 supervise and control the Institute and its satellite stations;

13 "Chief Medical Examiner", the chief medical examiner of the
14 Commonwealth of Massachusetts as appointed by the governor
15 under Section 1B of chapter 38 of the General Laws;

16 "Council", the Criminal Justice Training Council as provided
17 for under section 116 of chapter 6 of the General Laws;

18 "Dean", the Dean of the medical school of the University of
19 Massachusetts as provided for under section 35 of chapter 75 of
20 the General Laws;

21 “District Attorneys”, district attorneys of the Commonwealth
22 of Massachusetts as provided for under section 12 of chapter 12
23 of the General Laws;

24 “Forensic Services”, medicolegal investigative services as
25 requested by; the Attorney General, the chief Medical Examiner,
26 medical examiners, associate medical examiners, district
27 attorneys, law enforcement personnel and the Secretary of the
28 Executive Office of Public Safety;

29 “Institute”, the Massachusetts Forensic Laboratory located at
30 the medical school of the University of Massachusetts;

31 “Law Enforcement Personnel”, shall include, but not be limited
32 to the following; city and town police officers, state police officers,
33 and police officers at the Metropolitan District Commission;

34 “Satellite Station”, a regional branch of the Institute providing
35 such forensic services as the Board of Trustees deems appropriate;

36 “Secretary”, the Secretary of the Executive Office of Public
37 Safety as appointed by the Governor under section 3 of chapter
38 6A of the General Laws.

1 SECTION 2. The Massachusetts Forensic Laboratory
2 Institute, hereinafter called the Institute, under the supervision
3 and control of the Board of Trustees shall be located at the medical
4 school of the University of Massachusetts, and shall be within the
5 Executive Office of Public Safety.

6 All costs and expenses of the Institute, as a state agency shall
7 be paid by the Commonwealth.

1 SECTION 3. The Institute and its satellite stations shall be
2 supervised and controlled by a Board of Trustees consisting of
3 the following members:

4 a) the Attorney General;

5 b) one District Attorney to represent and be selected by the
6 District Attorneys of the Commonwealth;

7 c) the Chief Medical Examiner;

8 d) the Dean of the Medical School of the University of
9 Massachusetts;

10 e) the Secretary of the Executive Office of Public Safety;

11 f) a certified forensic chemist practicing within the Common-
12 wealth, and to be selected by the five designees.

1 SECTION 4. The Board of Trustees, as provided for under
2 Section 3, shall have the following duties and responsibilities.

3 a) to establish the rules and regulations governing the operation
4 of the Institute and its satellite stations;

5 b) to establish a fee schedule for the services performed by the
6 Institute and its satellite stations;

7 c) to appoint and oversee a general staff who shall be responsible
8 for performing the forensic services provided by the Institute and
9 its satellite stations;

10 d) to establish additional satellite stations as is deemed
11 necessary for the operation of the statewide network of crime
12 laboratories.

1 SECTION 5. The Institute's headquarters shall be located at
2 the medical school of the University of Massachusetts. There shall
3 be four satellite stations to be located at:

4 1) the University of Massachusetts, Amherst;

5 2) the University of Massachusetts, Boston;

6 3) the University of Lowell, Lowell;

7 4) Southeastern Massachusetts University, North Dartmouth.

1 SECTION 6. The Institute and its satellite stations shall
2 perform forensic services at the request of: the Attorney General,
3 the Chief Medical Examiner, Medical Examiners, Associate
4 Medical Examiners, District Attorneys, law enforcement
5 personnel and the Secretary of the Executive Office of Public
6 Safety.

7 Upon the completion of any forensic procedures, the individual
8 who performed the test shall notify the person requesting said
9 investigation of the results. All forensic services provided shall be
10 recorded and filed with the Board of Trustees.

11 If it is deemed necessary, an individual who has performed a
12 forensic service shall serve as a witness for the Commonwealth
13 in any court or administrative proceeding, civil or criminal. As
14 a state employee, he shall be deemed to be on duty when serving
15 as a witness and will receive no compensation in addition to his
16 regular salary.

1 SECTION 7. The Institute and its satellite stations shall, in
2 conjunction with the academic institution where each is located,
3 conduct appropriate educational research and training programs,
4 including such programs for forensic chemists, law enforcement
5 personnel, and others which are considered of benefit of
6 medicolegal investigations within the Commonwealth.

7 The Institute and its satellite stations shall, in conjunction with
8 the Criminal Justice Training Council, prepare and maintain
9 guidebooks and manuals to be used to educate and train law
10 enforcement personnel in the care, custody and collection of
11 forensic evidence and materials. Training seminars may also be
12 held for this purpose.