

SENATE No. 883

By Mr. Creedon, a petition (accompanied by bill, Senate, No. 883) of Robert S. Creedon, Jr. for legislation to establish a parent child testimonial privilege. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT ESTABLISHING A PARENT CHILD TESTIMONIAL PRIVILEGE.

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 20 of Chapter 233 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by inserting after the
3 fourth paragraph the following paragraph:—
4 Fifth, except in any proceeding where an unemancipated minor
5 child is alleged to have committed a crime against a family
6 member, a parent of such unemancipated child shall not be com-
7 pelled to testify in any proceeding against the unemancipated
8 minor child. A child, upon the showing that the parent posses
9 exculpatory evidence, may compel the parent to testify. For pur-
10 poses of this clause, the term “parent” shall mean the natural or
11 adoptive mother or father or stepparent of said unemancipated
12 minor child, provided such relationship existed at the time of the
13 event in question.

