

HOUSE No. 1637

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to not compelling parents to testify against children in certain cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PARENT CHILD 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 2004 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 member,
6 a parent of such unemancipated child shall not be compelled to tes-
7 tify in any proceeding against the unemancipated minor child. A
8 child, upon the showing that the parent possesses exculpatory evi-
9 dence, may compel the parent to testify. For purposes of this clause,
10 the term “parent” shall mean the natural or adoptive mother or father
11 or stepparent of said unemancipated minor child, provided such rela-
12 tionship existed at the time of the event in question.