

HOUSE No. 1673

By Ms. Peisch of Wellesley, petition of Alice Hanlon Peisch and others relative to ensuring confidentiality for victims of rape and domestic violence. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Alice Hanlon Peisch	Thomas P. Kennedy
Charles A. Murphy	Barbara A. L'Italien
John W. Scibak	Cory Atkins
Mary E. Grant	Geraldo Alicea
Frank M. Hynes	Stephen L. DiNatale
Edward M. Augustus, Jr.	Denise Provost
Barry R. Finegold	Jennifer M. Callahan
William Lantigua	Christine E. Canavan

In the Year Two Thousand and Seven.

AN ACT ENSURING CONFIDENTIALITY FOR VICTIMS OF RAPE AND DOMESTIC VIOLENCE.

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 1. Section 97(D) of chapter 41 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking the entire section and adding the following language:—
4 All reports of rape and sexual assault or attempts to commit such
5 offenses, all reports of abuse perpetrated by family or household
6 members as defined in G.L. 209A, Section 1, and all conversations
7 between police officers and victims of said offenses and abuse shall
8 not be public reports and shall be maintained by the police depart-
9 ments in a manner which will assure their confidentiality, except that
10 all such reports shall be accessible at all reasonable times to the
11 victim and victim’s attorney, to others specifically authorized by the
12 victim to obtain such information, and to prosecutors, victim-witness
13 advocates as defined in Section 1 of Chapter 258B, domestic vio-
14 lence victim’s counselors as defined in section 20K of chapter 233,
15 sexual assault counselors as defined in Section 20J of Chapter 233,

16 and to other law enforcement officers, if such access is necessary in
17 the performance of their duties. Conversations between police offi-
18 cers and victims of said offenses and abuse may also be shared with
19 the forgoing named persons if such access is necessary in the perfor-
20 mance of their duties.

21 Whoever violates any provision of this section shall be punished
22 by imprisonment for not more than one year or by a fine of not more
23 than one thousand dollars, or both.

1 SECTION 2. Section 98F of Chapter 41 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking the entire section and adding the following language:—

4 Each police department and each college or university to which
5 officers have been appointed pursuant to the provisions of section
6 sixty-three of chapter twenty-two C shall make, keep and maintain a
7 daily log, written in a form that can be easily understood, recording,
8 in chronological order, all responses to valid complaints received,
9 crimes reported, the names, addresses of persons arrested and the
10 charges against such persons arrested. All entries in said daily logs
11 shall, unless otherwise provided in law, be public records available
12 without charge to the public during regular business hours and at all
13 other reasonable times; provided, however, that any entry in a log
14 which pertains to a handicapped individual who is physically or
15 mentally incapacitated to the degree that said person is confined to a
16 wheelchair or is bedridden or requires the use of a device designed
17 to provide said person with mobility, any information concerning
18 responses to reports of domestic violence, rape or sexual assault, or
19 any entry concerning the arrest of a person for assault, assault and
20 battery, or violation of a protective order where the victim is a
21 family or household member, as defined in G.L. 209A, Section 1,
22 shall be kept in a separate log and shall not be a public record nor
23 shall such entry be disclosed to the public.