

SENATE NO. 951

RESOLVE ESTABLISHING A SPECIAL COMMISSION TO STUDY WITNESS PARTICIPATION AND PROTECTION IN THE CRIMINAL JUSTICE SYSTEM

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

1 Whereas , The deferred operation of this act would tend to defeat its purpose, which is to
2 provide for the safety of the citizens of the commonwealth, therefore it is hereby declared to be
3 an emergency law, necessary for the immediate preservation of the public convenience.

4 Because the statements of truthful and credible witnesses to police, to grand juries and in court
5 are essential elements to arresting, prosecuting and convicting criminals in the criminal justice
6 system of the commonwealth therefore essential in protecting the citizens of the commonwealth,
7 there shall be a special commission established to study the current status of witness
8 participation in the criminal justice system in the commonwealth. The special commission shall
9 be made up of 12 members including the Attorney General or his designee whom shall serve as
10 chair; the United State Attorney for the District of Massachusetts or his designee; chairs of the
11 Senate and House Criminal Justice Committees or their designee; a judge representing the
12 district court, a judge representing the superior court and a judge representing the Boston
13 Municipal Court appointed by the Chief Justice for Administration and Management of the Trial
14 Court; the Massachusetts State Police Superintendent or his designee; 2 district attorneys of the

15 commonwealth appointed by the Massachusetts District Attorneys Association; 2 municipal
16 chiefs of police appointed by the President of the Massachusetts Chiefs of Police Association.
17 Members of special commission shall serve without compensation. All necessary appointments
18 shall be made within 30 days of the effective date of this act.

19 The special commission shall examine the following: the state of the criminal justice system as
20 it relates to the willingness of witnesses to provide statements to police and give testimony in
21 court; the laws and penalties regarding witness intimidation; the available options for improving
22 on the protection of witnesses; raising public awareness of their role in the criminal justice
23 system and diminishing fear of retribution for truthfully testifying against a criminal defendant;
24 possible sanctions for refusing to testify once adequate protections are in place; other creative
25 mechanisms for improving the participation of credible, knowledgeable witnesses and
26 improving the ability to extract truthful and valuable testimony. The special commission shall
27 notify all district attorneys of the commonwealth and police chiefs of all jurisdictions within the
28 commonwealth of the committee's existence and mission to allow opportunity for each to
29 submit comment to the commission regarding the subject being studied.

30 The Commission shall report its detailed findings and submit any related recommendations for
31 legislation, programs or funding to the Clerks of the House and Senate within 5 months of the
32 effective date of this act.