July 25, 2023

Representative Michael Day

House Chair, Joint Committee on the Judiciary

24 Beacon Street, Room 136

Boston, MA 02133

Senator James B. Eldridge

Senate Chair, Joint Committee on the Judiciary

24 Beacon Street, Room 511-C

Boston, MA 02133

Dear Chairs Day and Eldridge:

On behalf of the Victim Witness Assistance Board and the Massachusetts Office for Victim Assistance (MOVA), I am writing to express our support for **H.1458/S.944 *An Act to enhance the rights of crime victims in the commonwealth*** that is currently before your committee.

MOVA is an independent state agency that strives to advance victim rights by ensuring all victims and survivors of crime across the Commonwealth are supported and empowered through access to high-quality services that are trauma-informed, culturally responsive, and reflective of diverse communities. We achieve this through survivor-informed work, advocacy for enhanced victim rights and services, partnerships with agencies and individuals, and a commitment to providing funding and services for underserved and marginalized communities. MOVA is governed by the Victim and Witness Assistance Board, chaired by Attorney General Andrea Campbell, and our current membership includes one district attorney and two public members, one of which is a survivor of crime. **The VWA Board has unanimously endorsed H.1458/S.944 this legislative session.**

The Victim Bill of Rights in Massachusetts, codified in M.G.L. Chapter 258B, marked the first formal recognition of crime victims’ basic rights to be informed, present, and heard in the criminal legal system. It has remained largely unchanged, however, in the following 39 years since its enactment. H.1458/S.944 builds upon the successes and progress made through the Victim Bill of Rights, while recognizing that our legal system has evolved in the subsequent years and additional protections need to be codified in our state laws.

H.1458/S.944 addresses the pressing need to provide victims and witnesses with the necessary supports to participate in the criminal legal system effectively and safely. Derived from many conversations with victim service providers, law enforcement, and survivors of crime, the bill seeks to provide clarification from unfulfilled commitments in Chapter 258B, codify existing practices that have evolved since 1984, and add new rights that reflect the needs of crime victims today.

While a comprehensive package, H.1458/S.944 focuses on four main initiatives:

* Improved notification to victims throughout criminal justice agencies.
* Increased access to victim services to crime victims and families when indictments are not issued.
* Strengthened practice and purpose of victim impact statements in the court system.
* Enhanced cooperation between law enforcement, the judicial system, and post-conviction agencies.

Proper notification throughout any stage of the judicial process is critical for the security of crime victims, their healing, and the opportunity for them to fully engage with the criminal legal system. Notice provides for physical, mental, and emotional relief and a basic level of justice for victims. In the aftermath of a crime, survivors should be ensured that they will have access to information relative to the standing of their offender, regardless of which entity may have custody. H.1458/S.944 provides necessary notification protections related to bail release, probation termination or modification, and sex offender classification.

The current Victim Bill of Rights provides that prosecutors are not precluded from providing services to impacted people or family members, subject to appropriation, when a complaint or indictment has not been issued. We know from experience that those prosecutors who offer services to homicide and sexual assault survivors whose cases remain unsolved can make a significant difference in their safety and healing in the wake of a crime. H.1458/S.944 strengthens access to these services, by codifying this practice, so that survivors of these horrific crimes may access critical information and services related to their victimization in each community across the Commonwealth.

Victim impact statements, provided for and protected under the Victim Bill of Rights, are the only opportunity during a criminal trial in which the victim can speak freely related to the impact the crime has had on their life to inform sentencing. Many survivors view this experience as beneficial to their emotional well-being and helpful in their path of victimization. In most courts across the Commonwealth judges effectively use these statements daily in fashioning fair and informed sentences. In certain instances, however, some victims have not been afforded this right. This issue has arisen when the defendant and their counsel have expressed a desire to resolve the matter at a pre-trial date, and the victim is not present. Language proposed in H.1458/S.944 clarifies and strengthens the original intent of victim impact statements. New proposed language ensures an opportunity for the victim to be present in the court to deliver their impact statement event even when a plea has been offered. This important change will ensure this right, and its original intent, to all crime victims before the disposition of a case, should they wish to do so.

Our legal system can only succeed with the cooperation and collaboration of the various agencies that encompass this important work. The Victim Bill of Rights relies on interagency collaboration to support victims throughout every stage of the system. H.1458/S.944 updates the magnitude of this collaboration with agencies that may have not existed at its inception but are integral to providing victims necessary services. In addition, this bill recognizes that stakeholders need to come together to create change. H.1458/S.944 creates a legislative task force to ensure the safety and well-being of victims and witnesses by providing adequate and uniform notification standards related to bail release.

The COVID-19 pandemic has impacted victim services throughout Massachusetts and shifted the way and traditional timeframes that cases are being adjudicated. With delayed trials, remote victim witness services, and virtual/teleconference hearings all now part of a victim’s experience, we need to protect and support their rights in the criminal legal system more than ever.

To strengthen and enhance the rights and services necessary to ensure access and effective participation of all crime victims and witnesses in the criminal legal system, I respectfully request the Committee to report H.1458/S.944 favorably. Thank you for your consideration of this matter. If I may be of any assistance, please do not hesitate to contact me.

Sincerely,

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**LIAM T. LOWNEY**

Executive Director