

SENATE No. 989

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to enhance the rights of crime victims in the Commonwealth.

PETITION OF:

NAME:

Julian Cyr

DISTRICT/ADDRESS:

Cape and Islands

SENATE No. 989

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 989) of Julian Cyr for legislation to enhance the rights of crime victims in the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1041 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to enhance the rights of crime victims in the Commonwealth.

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 1 of chapter 258B, as appearing in the 2016 Official Edition, is
2 hereby amended by inserting after the word “stepparent” in line 16 the following word:-
3 grandparent,

4 SECTION 2. Said Section 1 of chapter 258B, as so appearing, is hereby further amended
5 by inserting after the words “two hundred and fifty-eight C” in line 17 the following words:-
6 person with whom the victim lived and in a relationship similar to marriage,

7 SECTION 3. Said Section 1 of chapter 258B, as so appearing, is hereby further amended
8 by inserting, after line 18, the following words:- “probation officer”, an associate probation
9 officer, probation officer, assistant chief probation officer, chief probation officer, regional
10 probation supervisor, statewide probation supervisor, victim service coordinator, the deputy

11 commissioner of field services, and any other personnel whom the commissioner of probation
12 shall direct.

13 SECTION 4. Section 2 of said chapter 258B, as appearing in the 2016 Official Edition, is
14 hereby amended by inserting at the beginning the following:- Services provided in this chapter
15 shall be afforded to victims and family members of violent crimes, including homicide and
16 sexual assault, to the fullest extent possible in matters that have not resulted in complaints or
17 indictments have not been issued.

18 SECTION 5. Said Section 2 of said chapter 258B, as appearing in the 2016 Official
19 Edition, is hereby amended by inserting before the word “prosecutors” in line 1 the following
20 word:- Furthermore,

21 SECTION 6. Subsection (l) of Section 3 of said chapter 258B, as so appearing, is hereby
22 amended by striking the word “A” in line 91 and inserting, in place thereof, the following word:-
23 B

24 SECTION 7. Said section 3 of said chapter 258B, as so appearing, is hereby amended by
25 striking out subsection (p) and inserting in place thereof the following subsection:-

26 (p) for victims, to be present and heard at sentencing or the disposition of the case against
27 the defendant. If a victim is unavailable or not present at the time the defendant pleads or is
28 found guilty, delinquent, or admits to sufficient facts, the court shall delay sentencing by no less
29 than one business day to afford victims the opportunity to be present and or heard. The court
30 may inquire of the prosecutor, on the record, whether the victim has indicated their desire to not
31 be present or heard at sentencing. Victims have the right to be heard through an oral and written
32 victim impact statement at sentencing or the disposition of the case against the defendant, even if

33 there is admission to sufficient facts, the sentence is mandatory, or there is an agreed upon plea,
34 about the effects of the crime on the victim and as to a recommended sentence, pursuant to
35 section four B of chapter two hundred and seventy-nine, and to be heard at any other time
36 deemed appropriate by the court. The court shall consider said victim impact statement in
37 disposition of the case against the defendant. The victim also has a right to submit the victim
38 impact statement to the parole board for inclusion in its records regarding the perpetrator of the
39 crime;

40 SECTION 8. Subsection (t) of said section 3 of said chapter 258B, as so appearing, is
41 hereby amended by inserting after the word “custody” in line 144 the following words:-
42 including a release on bail,

43 SECTION 9. Said section 3 of said chapter 258B, as so appearing, is hereby amended by
44 inserting the following sections:-

45 (x) for victims, to be notified by the prosecutor that they have the right to provide the sex
46 offender registry board with a written impact statement for inclusion in the convicted sex
47 offender’s classification determination pursuant to section 178K(1)(k) of chapter 6.

48 (y) for victims, to be notified by the probation officer if an offender has a violation of
49 probation hearing, any sentencing after a finding of a violation of probation, and any motion to
50 modify the sentence or disposition of probation, including a transfer of supervision or a motion
51 to terminate. Victims requesting such notice must provide the probation service with current
52 contact information.

53 (z) for victims, to be heard through an oral or written statement after a finding of a
54 violation of probation, and any motion to modify the sentence or disposition, including a motion
55 to terminate.

56 SECTION 10. Section 7 of said chapter 258B, as so appearing, is hereby amended by
57 inserting after the words “district attorney,” in line 1 the following words:- probation service,
58 parole board, sex offender registry board, department of correction, department of youth
59 services, sheriffs,

60 SECTION 11. The first sentence of section 4B of chapter 279, as appearing in the 2016
61 Official Edition, is hereby amended by striking the words “against the person or crime where
62 physical injury to a person results, excluding any crime for which a sentence of death may be
63 imposed, and which involves an identified victim whose whereabouts “ and inserting in place
64 thereof the following words:- a victim as defined by chapter 258B.

65 SECTION 12. Said Section 4B of chapter 279, as so appearing, is hereby further
66 amended by inserting after the fourth paragraph the following paragraph:-

67 The court shall consider said victim impact statement in disposition of the case against
68 the defendant.

69 SECTION 13. There shall be a bail notification special commission established pursuant
70 to section 2A of chapter 4 of the General Laws, referred to in this section as the commission. The
71 commission shall evaluate policies and procedures related to the current bail system and
72 recommend improvements or changes related to notification services, pursuant to section 3(t) of
73 chapter 258B, for victims and family members of crime, as defined by chapter 258B.

74 (a) The commission shall consist of no more than 11 members: 1 of whom shall be the
75 executive director of the massachusetts office for victim assistance or designee, whom shall
76 serve as chair; 1 of whom shall be a member of the house of representatives appointed by the
77 speaker of the house of representatives; 1 of whom shall be a member of the senate appointed by
78 the president of the senate; 1 of whom shall be the chief justice of the trial court or designee; 1 of
79 whom shall be the secretary of the executive office of public safety and security or designee; 1 of
80 whom shall be the commissioner of probation service or designee; 1 of whom shall be the
81 president of the massachusetts chiefs of police association or designee; 1 of whom shall be the
82 president of the massachusetts sheriffs association or designee; 1 of whom shall be the president
83 of the massachusetts district attorneys association or designee; and no more than 2 of whom shall
84 be crime victims appointed by the victim and witness assistance board.

85 (b) The commission shall submit its final report to the governor, the house and senate
86 chairs of the joint committee on the judiciary and the house and senate chairs of the joint
87 committee on public safety and homeland security not later than December 31, 2022 which shall
88 include: (i) an evaluation of the current practices relative to bail notification to victims and
89 family members when an offender is released from custody; (ii) an evaluation of what shall
90 constitute appropriate notification to victims and family members and the best practice in which
91 to provide notification (iii) a policy recommendation to ensure appropriate notification services
92 are provided to victims and family members dependent on the custodial authority in which an
93 offender is held; (iv) any proposed technology or multi-disciplinary system recommendations to
94 provide notification services, including contracting with state or non-state entities to develop
95 implementation plans and estimated costs to the commonwealth; and (v) any additional proposed

- 96 policy, regulatory, or statutory changes concerning notification services for victims and family
- 97 members within the pretrial system.