

Massachusetts endorses legislation to protect survivors from dangerous individuals, distribution of explicit images

MOVA's five-member board unanimously voted to support proposals and urge legislative action.

The Massachusetts Office for Victims Assistance (MOVA), an independent state agency that supports victims of crime in the Commonwealth, has endorsed legislation filed by the Baker-Polito Administration that will create comprehensive new protections for survivors of domestic violence, sexual assault, assault and battery, the harmful distribution of explicit images, and other crimes. MOVA's five-member Victim and Witness Assistance Board unanimously voted to support both bills, H.4291 An Act Relative to the Harmful Distribution of Sexually Explicit Visual Material and H.4290 An Act to protect victims of crime and the public, which were filed by Governor Baker in December 2021.

"Massachusetts has always been a leader in protecting the rights of crime victims that are based on three basic provisions: the rights to be informed, present, and heard," said Liam Lowney, Executive Director of MOVA. "These bills, filed by the Baker-Polito Administration, provide survivors additional tools to protect their personal safety and empower well-informed decision making in the face of trauma. Through this endorsement, MOVA looks forward to furthering our shared commitment with the Administration to advance the rights of crime victims throughout the Commonwealth."

"We deeply appreciate MOVA's support and the endorsement from its board members who share our urgency about the need for this legislation and the protections it will provide survivors, communities and the public," said Governor Charlie Baker. "Our Administration is committed to strengthening and modernizing the laws required to ensure safety and protection from some of our Commonwealth's most vulnerable citizens. I urge the legislature to act on these bills and demonstrate their commitment to survivor protections."

"MOVA's support of this legislation speaks to the important impact it will have on survivors of violent crime, the harmful distribution of explicit images, and other crimes," said Lieutenant Governor Karyn Polito. "We are thankful to MOVA for their support and look forward to working with them to pass these commonsense laws that close loopholes and protect those who need it most."

"These laws will make a difference in the lives of those we serve and enhance public safety by equipping criminal justice and law enforcement professionals with the tools needed to address the threat of dangerous individuals and non-consensual sharing of explicit content," said Public Safety and Security Secretary Terrence Reidy. "We are grateful for MOVA's support in our effort to advance these important proposals."

About MOVA: MOVA is an independent state agency governed by the Victim and Witness Assistance Board. MOVA 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. MOVA achieves 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.

An Act to protect victims of crime and the public: First filed in 2018, the Administration's proposal would expand the list of offenses that can provide grounds for a dangerousness hearing and close certain loopholes at the start and end of the criminal process that currently limit or prevent effective action to address legitimate safety concerns. It would strengthen the ability of judges to enforce the conditions of pre-trial release by empowering police to detain people who they observe violating court-ordered release conditions; current law does not allow this, and instead requires a court to first issue a warrant. Under this proposal, judges will be empowered to revoke a person's release when the offender has violated a court-ordered condition, such as an order to stay away from a victim, or from a public playground. Current law requires an additional finding of dangerousness before release may be revoked.

An Act Relative to the Harmful Distribution of Sexually Explicit Visual Materials: First filed in 2017, the proposal modernizes the laws governing the distribution of sexually explicit images and empowers District Attorneys with additional tools to protect children. Under this proposal, the first step in an explicit images case involving minors will be to enroll in an educational diversion program rather than go through the juvenile justice process and potentially be committed to the Department of Youth Services. While District Attorneys and the Attorney General will still have the right to bypass educational diversion programs in certain instances, the focus will now be on educational diversion rather than legal punishment.

This legislation also seeks to close a loophole under current law by creating penalties for adults who distribute a sexually explicit image for purposes of revenge or embarrassment. While current law addresses non-consensual recording of an unsuspecting person, it does not address instances where someone distributes an image without consent regardless of

whether the initial image may have been taken with consent. This legislation closes the gap in state law by creating a new felony offense and empowering judges in criminal proceedings to ensure an explicit image in question is permanently destroyed.