HOUSE DOCKET, NO. 624 FILED ON: 1/14/2013

HOUSE . . . . . No. 1297

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer

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 passage of the accompanying:

An Act relative to repeat domestic violence offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. Dwyer	*30th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Danielle W. Gregoire	*4th Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Gloria L. Fox	*7th Suffolk*
Marjorie C. Decker	*25th Middlesex*

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HOUSE . . . . . No. 1297

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 1297) of James J. Dwyer and others relative to repeat domestic violence offenders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *432* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to repeat domestic violence offenders.

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

Chapter 265 of the General Laws is hereby amended by striking out section 13M and inserting in place thereof the following section:-

Section 13M. For the purposes of this section family or household members are persons:

(a) are or were married to one another;

(b) are or were residing together in the same household;

(c) are or were related by blood;

(d) having a child in common regardless of whether they have ever married or lived together;

(e) are or have been in a substantial dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts with consideration of the following factors;

1. The length of time of the relationship;

2. The type of relationship;

3. The frequency of interaction between the parties;

15 4. If the relationship; has been terminated by either person, the length of time since the
16 termination of the relationship.

17 For the purposes of this section family household members shall be referred to as
18 domestic

19 (a) Whoever commits an assault or an assault and battery upon another defined as a
20 "domestic" shall be punished by imprisonment for not more that 2 ½ years in a house of
21 correction or

22 (b) By a fine of not more than $1,000.

23 If a defendant has been previously convicted of a violation of this chapter or a violation
24 of Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction 2
25 times the defendant shall be punished by imprisonment for not less than 180 days not more than
26 2 ½ years in a house of correction or by imprisonment in a state prison for not less than one year
27 nor more than 5 years, provided however that the sentence imposed upon such person shall not
28 be reduced to less than 90 days, nor suspended that the sentence imposed upon such a person
29 shall not be reduced to less than 90 days, nor suspended, nor shall any such person be eligible for
30 probation, parole, or furlough or receive any deduction from his sentence for good conduct until
31 such person has served 90 days of said sentence. For any conviction of said section, the court
32 shall order the defendant to complete a certified batterer's intervention program unless, for good
33 cause shown, the court issues specific written findings describing the reasons that batterer's
34 intervention program should not be ordered.

35 If the defendant has been previously convicted of violation of this chapter or a violation
36 of Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction, 3
37 times the defendant shall be punished by imprisonment for not less than 1 year nor more than 2
38 ½ years in a house of correction or by imprisonment in a state prison for not less than 1 year nor
39 more than 10 years, provided however that the sentence imposed upon such person shall not be
40 reduced to less than 1 year, nor suspended, nor shall any such person be eligible for probation,
41 parole, or furlough or receive any deduction from his sentence for good conduct until such
42 person has served 1 year of said sentence.

43 If a defendant has been previously convicted of a violation of this chapter or a violation
44 of Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction, 4 or
45 more times the defendant shall be punished by imprisonment for not less than 2 years nor more
46 than 2 ½ years in a house of correction or by imprisonment in a state prison for not less than 2 ½
47 years nor more than 10 years, provided however that the sentence imposed upon such person
48 shall not be reduced to less than 2 years, nor suspended, nor shall any such person be eligible for
49 probation, parole, or furlough or receive any deduction from his sentence for good conduct until
50 such person has served 2 years of said sentence.

This act shall take effect upon its passage.