SENATE DOCKET, NO. 1471 FILED ON: 1/21/2011

SENATE . . . . . No. 682

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

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 domestic violence and animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Katherine M. Clark	*Middlesex and Essex*
Lori A. Ehrlich	*8th Essex*
Stephen L. DiNatale	*3rd Worcester*
William N. Brownsberger	☐ *[District]* ☐
Jennifer E. Benson	*37th Middlesex*
Cheryl A. Coakley-Rivera	*10th Hampden*
John P. Fresolo	*16th Worcester*
Denise Andrews	*2nd Franklin*
Brian M. Ashe	*2nd Hampden*
Cory Atkins	*14th Middlesex*
Bruce J. Ayers	*1st Norfolk*
Ruth B. Balser	*12th Middlesex*
Michael D. Brady	*9th Plymouth*
Christine E. Canavan	*10th Plymouth*
Sonia Chang-Diaz	☐ *[District]*

	□
Kenneth J. Donnelly	□ *[District]* □
James J. Dwyer	*30th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
James B. Eldridge	□ *[District]* □
Ann-Margaret Ferrante	*5th Essex*
Gloria L. Fox	*7th Suffolk*
Sean Garballey	*23rd Middlesex*
Anne M. Gobi	*5th Worcester*
Sheila C. Harrington	*1st Middlesex*
Jonathan Hecht	*29th Middlesex*
Louis L. Kafka	*8th Norfolk*
Kay Khan	*11th Middlesex*
Jason M. Lewis	*31st Middlesex*
Mark C. Montigny	□ *[District]* □
James J. O'Day	*14th Worcester*
Alice Hanlon Peisch	*14th Norfolk*
William Smitty Pignatelli	*4th Berkshire*
Kathi-Anne Reinstein	*16th Suffolk*
John W. Scibak	*2nd Hampshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Stephen Stat Smith	*28th Middlesex*
Frank I. Smizik	*15th Norfolk*
Ellen Story	*3rd Hampshire*
David B. Sullivan	*6th Bristol*
Timothy J. Toomey, Jr.	*26th Middlesex*
Martha M. Walz	*8th Suffolk*
Alice K. Wolf	*25th Middlesex*

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By Ms. Clark, a petition (accompanied by bill, Senate, No. 682) of Katherine M. Clark, Lori A. Ehrlich, Stephen L. DiNatale, William N. Brownsberger and other members of the General Court for legislation relative to domestic violence and animals. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to domestic violence and animals.

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

SECTION 1. When issuing a temporary or permanent vacate, stay away, restraining or no contact order or judgment issued pursuant to sections 18, 34B or 34C of chapter 208; section 32 of chapter 209; sections 3, 4 or 5 of chapter 209A; section 15 or 20 of chapter 209C; or sections 3, 4, 5, 6, or 7 of chapter 258E; or a temporary restraining order or preliminary or permanent injunction issued by the superior court the court may order the possession, care and control of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household to the plaintiff. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

A person, who qualifies, may petition the court pursuant to sections 18, 34B or 34C of chapter 208; section 32 of chapter 209; sections 3, 4 or 5 of chapter 209A; section 15 or 20 of chapter 209C; or sections 3, 4, 5, 6, or 7 of chapter 258E for an order that the defendant refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

The chief justice of administration and management shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E or shall adopt a form complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

In all instances where an outstanding warrant exists or a violation of a temporary or permanent vacate, stay away, restraining or no contact order or judgment issued pursuant to sections 18, 34B or 34C of chapter 208; section 32 of chapter 209; sections 3, 4 or 5 of chapter 209A; section 15 or 20 of chapter 209C; or sections 3, 4, 5, 6, or 7 of chapter 258E a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily

24 injury exists to the petitioner or to a domesticated animal. In all instances where such an
25 imminent threat of bodily injury to a human being or a domesticated animal is found to exist, the
26 judge shall notify the appropriate law enforcement officials of such finding and such officials
27 shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.