SENATE DOCKET, NO. 260 FILED ON: 1/15/2013

SENATE . . . . . No. 736

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 to prevent intimidation in all courts of the Commonwealth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	*Worcester and Middlesex*
Michael R. Knapik	*Second Hampden and Hampshire*
Jennifer E. Benson	*37th Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Bruce E. Tarr	*First Essex and Middlesex*

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By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 736) of Jennifer L. Flanagan, Michael R. Knapik, Jennifer E. Benson, Kimberly N. Ferguson and other members of the General Court for legislation to prevent intimidation in all courts of the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *778* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act to prevent intimidation in all courts of 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:

SECTION 1. Subsection (1)(i) of section 13B of chapter 268 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the word "criminal" in line 7 and inserting in place thereof the word:- court.

SECTION 2. Subsection (1)(iv) of section 13B of chapter 268 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the word "criminal" in line 16 and inserting in place thereof the word:- court.

SECTION 3. Subsection (1)(v) of section 13B of chapter 268 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the word "criminal" in line 18 and inserting in place thereof the word:- court.

SECTION 4. Subsection (1)(v) of section 13B of chapter 268 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the word "criminal" in line 21 and inserting in place thereof the word:- court.

SECTION 5. Subsection (4) of section 13B of chapter 268 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the word "criminal" in line 41 and inserting in place thereof the word:- court.

(1) Whoever, directly or indirectly, willfully

17 (a) threatens, or attempts or causes physical injury, emotional injury, economic
18 injury or property damage to;

19 (b) conveys a gift, offer or promise of anything of value to; or

20 (c) misleads, intimidates or harasses another person who is:

21 (i) a witness or potential witness at any stage of a criminal investigation,
22 grand jury proceeding, trial or other court proceeding of any type;

23 (ii) a person who is or was aware of information, records, documents or
24 objects that relate to a violation of a criminal statute, or a violation of conditions of probation,
25 parole or bail;

26 (iii) a judge, juror, grand juror, prosecutor, police officer, federal agent,
27 investigator, defense attorney, clerk, court officer, probation officer or parole officer;

28 (iv) a person who is or was furthering a criminal investigation, grand jury
29 proceeding, trial or other court proceeding of any type; or

30 (v) a person who is or was attending or had made known his intention to
31 attend a grand jury proceeding, trial or other court proceeding of any type with the intent to
32 impede, obstruct, delay, harm, punish or otherwise interfere thereby with a criminal
33 investigation, grand jury proceeding, trial or other court proceeding of any type shall be punished
34 by imprisonment for not more than 2 1/2 years in a jail or house of correction or not more than
35 10 years in a state prison, or by a fine of not less than $1,000 nor more than $5,000.

36 (2) As used in this section, "investigator" shall mean an individual or group of individuals
37 lawfully authorized by a department or agency of the federal government, or any political
38 subdivision thereof, or a department or agency of the commonwealth, or any political
39 subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a
40 violation of the laws of the United States or of the commonwealth in the course of his official
41 duties.

42 (3) As used in this section, "harass" shall mean to engage in any act directed at a specific
43 person or persons, which act seriously alarms or annoys such person or persons and would cause
44 a reasonable person to suffer substantial emotional distress. Such act shall include, but not be
45 limited to, an act conducted by mail, electronic mail, internet communications, facsimile
46 communications, or other telephonic or telecommunications device.

47 (4) A prosecution under this section may be brought in the county in which the criminal
48 investigation, grand jury proceeding, trial or other court proceeding is being conducted or took
49 place, or in the county in which the alleged conduct constituting an offense occurred.