SENATE DOCKET, NO. 1277 FILED ON: 1/20/2011

SENATE . . . . . No. 866

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 providing for protection from domestic violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	☐ *[District]* ☐
Tom Sannicandro	*7th Middlesex*
Benjamin Swan	*11th Hampden*
Cory Atkins	*14th Middlesex*
Ann-Margaret Ferrante	*5th Essex*
Carolyn C. Dykema	*8th Middlesex*
Michael O. Moore	☐ *[District]* ☐
Chris Walsh	*6th Middlesex*
Denise Andrews	*2nd Franklin*

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By Ms. Spilka, a petition (accompanied by bill, Senate, No. 866) of Karen E. Spilka, Tom Sannicandro, Benjamin Swan, Cory Atkins and other members of the General Court for legislation to provide for protection from domestic violence. The Judiciary.

The Commonwealth of Massachusetts

An Act providing for protection from domestic violence.

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. Section 13A of chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "chapter 209C," in line 17, the following:-

"or section 42A, 58, or 58A of chapter 276"

SECTION 2. Said section 13A of said chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby further amended by inserting after the existing subparagraph (iii), a new subparagraph:-

(iv) upon another who is a family or household member after previously being convicted of: any offense under chapter 265; arson of a dwelling as set forth in section 1 of chapter 266; arson as set forth in section 2 of chapter 266; attempted arson as set forth in section 5A of chapter 266; armed burglary as set forth in section 14 of chapter 266; unarmed burglary as set forth in section 15 of chapter 266; breaking and entering in the nighttime as set forth in section 16 of chapter 266; breaking and entering in the daytime as set forth in section 17 of chapter 266; malicious explosion as set forth in section 101 of chapter 266; willful throwing or placing of explosives at or near persons or property a set forth in section 102 of chapter 266; possession of an infernal machine as set forth in section 102A of chapter 266; malicious destruction of property as set forth in section 127 of chapter 266; intimidation as set forth in section 13B of chapter 268; unlawful possession of a firearm, machine gun, sawed-off shotgun, large capacity weapon or large capacity feeding device as set forth in section 10 of chapter 269, or an assault weapon as set forth in section 131M of chapter 140; possession, sale or use of a silencer as set forth in section 10A of chapter 269; possession or use of body armor in the commission of a crime as set forth in section 10D of chapter 269; subsequent firearm offense as set forth in section 10G of chapter 269; possession or control of a firearm with serial or

24 identification number removed or mutilated as set forth in section 11B of chapter 269; removal
25 or mutilation of serial or identification numbers of firearms as set forth in section 11C of chapter
26 269; possession of a rifle or shotgun as set forth in section 12D of chapter 269; discharge of a
27 firearm as set forth in section 12E of chapter 269; enticement as set forth in section 2 of chapter
28 272; drugging for sex as set forth in section 3 of chapter 272; inducing a minor into prostitution
29 as set forth in section 4A of chapter 272; living off of or deriving support from a minor prostitute
30 as set forth in section 4B of chapter 272; deriving support from a prostitute as set forth in section
31 7 of chapter 272; detaining or drugging to detain for prostitution as set forth in section 13 of
32 chapter 272; open and gross conduct as set forth in section 16 of chapter 272; unnatural and
33 lascivious conduct with a child as set forth in section 35A of chapter 272; being a habitual
34 offender as set forth in section 25 or 25A of chapter 279, shall be punished by imprisonment in
35 the state prison for not more than 5 years or in the house of correction for not more than 2½
36 years, or by a fine of not more than $5,000, or by both such fine and imprisonment.

37 SECTION 3. Section 13A of chapter 265 of the General Laws, as appearing in
38 the 2008 Official Edition, is hereby further amended by inserting after the existing paragraph (c)
39 a new paragraph:-

40 (d) For the purposes of this section, "family or household member" shall mean
41 persons who (i) are married to each other or were married to each other; (ii) are residing together
42 in the same household or were residing together in the same household within the 5 years
43 preceding the date of the alleged offense; (iii) are related by blood; (iv) have a child in common;
44 or (v) are or have been in a substantial dating or engagement relationship within the 5 years
45 preceding the date of the alleged offense. In determining whether a relationship constitutes a
46 substantial dating or engagement relationship, the following factors shall be considered: (A) the
47 length of time of the relationship; (B) the type of relationship; and (C) the frequency of
48 interaction between the parties.