SENATE DOCKET, NO. 412 FILED ON: 1/15/2015

SENATE . . . . . No. 820

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 adoption of the accompanying bill:

An Act to prevent intimidation in all courts of the Commonwealth.

PETITION OF:

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

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SENATE . . . . . No. 820

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 820) of Jennifer L. Flanagan, Jennifer E. Benson, Michael O. Moore, Kimberly N. Ferguson and others for legislation to prevent intimidation in all courts of the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *736* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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.

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

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

16 (1) Whoever, directly or indirectly, willfully

17 (a) threatens, or attempts or causes physical injury, emotional injury, economic injury or
18 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, grand jury
22 proceeding, trial or other court proceeding of any type;

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

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

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

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

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

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

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