

**HOUSE . . . . . No. 1430**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act protecting children 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:*

1 SECTION 1. Section 13A of chapter 265 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by adding the following subsection:--

3 (d) Whoever commits an assault or an assault and battery upon another within a dwelling  
4 and in the presence of a child under 16 years of age shall be punished by imprisonment in the  
5 state prison for not more than 5 years or in the house of correction for not more than 2½ years,  
6 or by a fine of not more than \$5,000, or by both such fine and imprisonment. Furthermore, the  
7 law enforcement agency filing the charges shall provide the department of social services, as  
8 established in chapter 18B, with a notice of the charges, to be used at the department's  
9 discretion.