

HOUSE No. 1539

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Prevention of Domestic Abuse..

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 3 of Chapter 209A of the Massachusetts General Laws, as
2 appearing in the _____ Official Edition, is hereby amended by inserting the following text after
3 subsection (i):-

4 “(j) in conjunction with any of the above mentioned protections from abuse, the judge
5 may require that the defendant wear an electronic monitoring device and be subject to the
6 provisions of Section 10 of this chapter.”

7 SECTION 2. Chapter 209A of the General Laws, as appearing in the 2000 Official
8 Edition, is hereby further amended by inserting at the end thereof the following section:-

9 “Section 11. There shall be established in each of the county sheriff’s departments an
10 active electronic monitoring program for prevention of abuse. Said program shall be funded by
11 the Commonwealth and all costs incurred in the procurement of equipment shall be borne by the
12 Commonwealth. There shall be established by said sheriff’s departments statewide regulations
13 and procedures for the implementation of said program.

14 The program shall consist of the integration of passive and active electronic
15 monitoring. The passive system shall be able to monitor a defendant’s continued presence in a
16 specific location. The active system shall be able to alert a plaintiff of a defendant’s close
17 proximity to a particular location or individual.

18 Pursuant to Section 3(j) of this chapter, a judge may order a defendant to participate
19 in this program. The defendant shall be sent to the local sheriff’s department where said
20 defendant will be outfitted with the necessary equipment. The sheriff’s department shall also
21 provide the plaintiff with the necessary equipment and a list of telephone numbers to call in case
22 of an emergency. Said list shall include, but not be limited to the numbers of the local police, the
23 sheriff’s department and local shelters for battered women.

24 Any time a judge orders a defendant to participate in this program pursuant to c.
25 209A Section 3(j), said judge shall also recommend to the defendant that the defendant attend a
26 recognized batterer’s treatment program pursuant to c. 209A Section 3(i).

27 A violation of the order by the defendant which results in the warning of the plaintiff
28 by the electronic monitoring device, may be used as evidence of harassment in violation of
29 M.G.L. c. 265 Section 43.”

30 SECTION 3. This act shall take effect upon its passage.