

# HOUSE . . . . . No. 432

---

## The Commonwealth of Massachusetts

---

PRESENTED BY:

*James J. Dwyer*

---

*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 relative to repeat domestic violence offenders.

---

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/20/2011</i>
<i>Geraldo Alicea</i>	<i>6th Worcester</i>	<i>1/21/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/28/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/21/2011</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	<i>2/1/2011</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2011</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>	<i>1/21/2011</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>	<i>1/31/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2011</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>	<i>2/2/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/4/2011</i>

# HOUSE . . . . . No. 432

---

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 432) of James J. Dwyer and others relative to repeat domestic violence offenders. The Judiciary.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4527 OF 2009-2010.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Eleven  
\_\_\_\_\_

An Act relative to repeat domestic violence offenders.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 265 of the General Laws is hereby amended by striking out section 13M and  
2 inserting in place thereof the following section:-

3 Section 13M. For the purposes of this section family or household members are persons:

4 (a) are or were married to one another;

5 (b) are or were residing together in the same household;

6 (c) are or were related by blood;

7 (d) having a child in common regardless of whether they have ever married or lived  
8 together;

(e) are or have been in a substantial dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts with consideration of the following factors;

1. The length of time of the relationship;
2. The type of relationship;
3. The frequency of interaction between the parties;
4. If the relationship; has been terminated by either person, the length of time since the termination of the relationship.

For the purposes of this section family household members shall be referred to as domestic

(a ) Whoever commits an assault or an assault and battery upon another defined as a “domestic” shall be punished by imprisonment for not more that 2 ½ years in a house of correction or

(b) By a fine of not more than \$1,000.

If a defendant has been previously convicted of a violation of this chapter or a violation of Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction 2 times the defendant shall be punished by imprisonment for not less than 180 days not more than 2 ½ years in a house of correction or by imprisonment in a state prison for not less than one year nor more than 5 years, provided however that the sentence imposed upon such person shall not be reduced to less than 90 days, nor suspended that the sentence imposed upon such a person shall not be reduced to less than 90 days, nor suspended, nor shall any such person be eligible for

30 probation, parole, or furlough or receive any deduction from his sentence for good conduct until  
31 such person has served 90 days of said sentence. For any conviction of said section, the court  
32 shall order the defendant to complete a certified batterer's intervention program unless, for good  
33 cause shown, the court issues specific written findings describing the reasons that batterer's  
34 intervention program should not be ordered.

35         If the defendant has been previously convicted of violation of this chapter or a violation  
36 of Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction, 3  
37 times the defendant shall be punished by imprisonment for not less than 1 year nor more than 2  
38 ½ years in a house of correction or by imprisonment in a state prison for not less than 1 year nor  
39 more than 10 years, provided however that the sentence imposed upon such person shall not be  
40 reduced to less than 1 year, nor suspended, nor shall any such person be eligible for probation,  
41 parole, or furlough or receive any deduction from his sentence for good conduct until such  
42 person has served 1 year of said sentence.

43         If a defendant has been previously convicted of a violation of this chapter or a violation  
44 of Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction, 4 or  
45 more times the defendant shall be punished by imprisonment for not less than 2 years nor more  
46 than 2 ½ years in a house of correction or by imprisonment in a state prison for not less than 2 ½  
47 years nor more than 10 years, provided however that the sentence imposed upon such person  
48 shall not be reduced to less than 2 years, nor suspended, nor shall any such person be eligible for  
49 probation, parole, or furlough or receive any deduction from his sentence for good conduct until  
50 such person has served 2 years of said sentence.

51         This act shall take effect upon its passage.