

SENATE No. 641

The Commonwealth of Massachusetts

PRESENTED BY:

Frederick E. Berry

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 An Act relative to the enforcement of domestic violence laws.

PETITION OF:

NAME:

Frederick E. Berry

DISTRICT/ADDRESS:

SENATE No. 641

By Mr. Berry, a petition (accompanied by bill, Senate, No. 641) of Frederick E. Berry for legislation to enforce domestic violence laws. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act An Act relative to the enforcement of domestic violence laws.

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. Chapter 265 of the General Laws is hereby amended by striking out section
2 13M, as inserted by chapter 534 of the acts of 2008, and inserting in place thereof the following
3 section:-

4 Section 13M. (a) Whoever commits an assault or assault and battery on a family or
5 household member, as defined in section 1 of chapter 209A, shall be punished by imprisonment
6 in the house of correction for not more than 2 ½ years or by a fine of not more than \$5,000 or
7 both.

8 (b) Whoever is convicted of committing an assault or assault and battery on a family or
9 household member, after having previously been convicted of, placed on probation for, granted a
10 continuance without a finding for, or otherwise having pleaded guilty to or admitted to a finding
11 of sufficient facts for (1) an assault or assault and battery on a family or household member; (2)
12 an offense that has as an element the use, attempted use, or threatened use of physical force
13 against the person of another; (3) an offense that has as an element the possession, use, or

14 threatened use of a deadly weapon; (4) a "sex offense" as defined in section 178C of chapter 6 of
15 the General Laws, or (5) a violation of section 7 of chapter 209A, shall be punished by
16 imprisonment in the state prison for not more than 5 years or in the house of correction for not
17 more than 2 ½ years, or by a fine of not more than \$10,000, or by both such fine and
18 imprisonment. (c) For any violation of this section, or as a condition of a continuance without a
19 finding, the court shall order the defendant to complete a certified batterer's intervention program
20 unless, upon good cause shown, the court issues specific written findings describing the reasons
21 that batterer's intervention should not be ordered or unless the batterer's intervention program
22 determines that the defendant is not suitable for intervention.