

HOUSE No. 3242**The Commonwealth of Massachusetts**

PRESENTED BY:

Carolyn C. Dykema*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 protecting domestic violence victims from repeat offenders.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|-------------------------------------|------------------|
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | |
| <i>Gerard T. Leone</i> | <i>Middlesex District Attorney</i> | |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> | |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> | |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> | |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | |
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> | <i>1/30/2013</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> | <i>1/30/2013</i> |
| <i>Karen E. Spilka</i> | <i>Second Middlesex and Norfolk</i> | <i>1/30/2013</i> |
| <i>Thomas P. Conroy</i> | <i>13th Middlesex</i> | |
| <i>Gloria L. Fox</i> | <i>7th Suffolk</i> | |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>Daniel B. Winslow</i> | <i>9th Norfolk</i> | |
| <i>Denise Andrews</i> | <i>2nd Franklin</i> | |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | |

HOUSE No. 3242

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 3242) of Carolyn C. Dykema and others relative to providing protection from domestic violence. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to protecting domestic violence victims from repeat 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 SECTION 1. Section 13A of chapter 265 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting after the words “chapter 209C,” in line 17, the
3 following:-

4 or section 42A, 58, or 58A of chapter 276

5 SECTION 2. Section 13A of chapter 265 of the General Laws, as appearing in the 2008
6 Official Edition, is hereby further amended by inserting after the existing paragraph (c), a new
7 paragraph (d) as follows:-

8 (d) Whoever commits an assault and battery upon another who is a family or
9 household member after previously being convicted of: violating 131M of chapter 140; violating
10 section 7 of chapter 209A; violating section 9 of chapter 258E; any offense under chapter 265;
11 arson of a dwelling as set forth in section 1 of chapter 266; arson as set forth in section 2 of
12 chapter 266; attempted arson as set forth in section 5A of chapter 266; armed burglary as set
13 forth in section 14 of chapter 266; unarmed burglary as set forth in section 15 of chapter 266;
14 breaking and entering in the nighttime as set forth in section 16 of chapter 266; breaking and
15 entering in the daytime as set forth in section 17 of chapter 266; malicious explosion as set forth
16 in section 101 of chapter 266; willful throwing or placing of explosives at or near persons or
17 property as set forth in section 102 of chapter 266; possession of an infernal machine as set forth
18 in section 102A of chapter 266; malicious destruction of property as set forth in section 127 of
19 chapter 266; violating section 13B of chapter 268; violating section 10 of chapter 269;
20 possession, sale or use of a silencer as set forth in section 10A of chapter 269; possession or use

21 of body armor in the commission of a crime as set forth in section 10D of chapter 269;
22 subsequent firearm offense as set forth in section 10G of chapter 269; possession or control of a
23 firearm with serial or identification number removed or mutilated as set forth in section 11B of
24 chapter 269; removal or mutilation of serial or identification numbers of firearms as set forth in
25 section 11C of chapter 269; possession of a rifle or shotgun as set forth in section 12D of chapter
26 269; discharge of a firearm as set forth in section 12E of chapter 269; enticement as set forth in
27 section 2 of chapter 272; drugging for sex as set forth in section 3 of chapter 272; inducing a
28 minor into prostitution as set forth in section 4A of chapter 272; living off of or deriving support
29 from a minor prostitute as set forth in section 4B of chapter 272; deriving support from a
30 prostitute as set forth in section 7 of chapter 272; detaining or drugging to detain for prostitution
31 as set forth in section 13 of chapter 272; open and gross conduct as set forth in section 16 of
32 chapter 272; unnatural and lascivious conduct with a child as set forth in section 35A of chapter
33 272; being a habitual offender or criminal as set forth in section 25 of chapter 279; or a like
34 violation of the laws of another state, the United States or a military, territorial or Indian tribal
35 authority, shall be punished by imprisonment in the state prison for not more than 5 years or in
36 the house of correction for not more than 2½ years, or by a fine of not more than \$5,000, or by
37 both such fine and imprisonment.

38 A prosecution commenced under this subsection shall not be continued without a finding
39 or placed on file. For any violation of this subsection, the court shall order the defendant to
40 complete a certified batterer's intervention program unless, upon good cause shown, the court
41 issues specific written findings describing the reasons that batterer's intervention should not be
42 ordered or unless the batterer's intervention program determines that the defendant is not suitable
43 for intervention.

44 (e) For the purposes of paragraph (d), "family or household member" shall mean persons
45 who (i) are married to each other or were married to each other; (ii) are residing together in the
46 same household or were residing together in the same household within the 5 years preceding the
47 date of the alleged offense; (iii) are related by blood; (iv) have a child in common; or (v) are or
48 have been in a substantial dating or engagement relationship within the 5 years preceding the
49 date of the alleged offense. In determining whether a relationship constitutes a substantial dating
50 or engagement relationship, the following factors shall be considered: (A) the length of time of
51 the relationship; (B) the type of relationship; and (C) the frequency of interaction between the
52 parties.