

# HOUSE . . . . . No. 4038

Text of amendments (offered by Mr. DeLeo of Winthrop and other members of the House), as changed by the House committee on Bills in the Third Reading, and as amended by the House, to the Senate Bill enhancing protection for victims of domestic violence (Senate, No. 1897). April 8, 2014.

## The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

*By striking out all after the enacting clause and inserting in place thereof the following:*

1           “SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 116A, as  
2 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

3           Section 116A. (a) The municipal police training committee shall establish within the recruit basic  
4 training curriculum a course for regional and municipal police training schools for the training of law  
5 enforcement officers in the commonwealth in the handling of domestic violence and sexual violence  
6 complaints and also shall develop guidelines for law enforcement response to domestic violence and  
7 sexual violence. The course of instruction and the guidelines shall stress enforcement of criminal laws in  
8 domestic violence and sexual violence situations, availability of civil remedies and community resources  
9 and protection of the victim. The course of instruction and guidelines shall also include specific training  
10 on adolescent development, trauma, and family dynamics. Where appropriate, the training presenters shall  
11 include domestic violence and sexual violence experts with expertise in the delivery of direct services to  
12 victims of domestic violence and sexual violence, including utilizing the staff of community based  
13 domestic violence, rape and sexual assault service providers and survivors of domestic violence, rape or  
14 sexual assault in the presentation of the training.

15           As used in this section, ‘law enforcement officer’ shall mean any officer of a local police  
16 department, the office of environmental law enforcement, the University of Massachusetts, and state  
17 police. As used in this section, ‘victim’ shall mean any child or adult victim of such abuse, including elder  
18 victims.

19           (b) The course of basic training for law enforcement officers shall include at least 8 hours of  
20 instruction in the following procedures and techniques:

21           (1) the procedures and responsibilities set forth in chapter 209A relating to response to, and  
22 enforcement of, court orders, including violations of orders issued pursuant to said chapter 209A;

23           (2) the service of said chapter 209A complaints and orders;

24 (3) verification and enforcement of temporary restraining and vacate orders when the suspect is  
25 present or the suspect has fled;

26 (4) the legal duties imposed law enforcement officers to offer protection and assistance, including  
27 guidelines for making felony and misdemeanor arrests, and for mandatory reporting of child and elder  
28 abuse cases;

29 (5) techniques for handling domestic violence and sexual violence incidents that minimize  
30 likelihood of injury to the law enforcement officer;

31 (6) techniques for handling domestic violence and sexual violence incidents that promote the  
32 safety of the victim, including the importance of keeping the victim informed as to the whereabouts of the  
33 suspect and other such information helpful for victim safety planning;

34 (7) the nature and extent of domestic violence, including the physiological and psychological  
35 effects of the pattern of domestic violence and sexual violence on victims;

36 (8) the legal rights and the remedies available to victims of domestic violence and sexual  
37 violence;

38 (9) documentation, report writing and evidence collection, which shall include methods for  
39 assessing the degree of risk of homicide involved in situations of domestic violence, including, but not  
40 limited to, gathering information from the victim regarding the suspect's past reported and non-reported  
41 behavior and dangerousness, such as: (i) whether the suspect has ever used a weapon against the victim or  
42 threatened the victim with a weapon; (ii) whether the suspect owns a gun; (iii) whether the suspect's  
43 physical violence against the victim has increased in severity or frequency; (iv) whether the suspect has  
44 threatened to kill the victim; (v) whether the suspect has ever threatened or attempted suicide; (vi)  
45 whether the suspect has used or threatened physical violence against the victim's family, other household  
46 members or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the suspect abuses alcohol;  
47 and (ix) whether there have been specific instances of strangulation or suffocation of the victim by the  
48 suspect;

49 (10) tenancy and custody issues, including those of married and unmarried couples;

50 (11) the impact of law enforcement intervention on children in domestic violence and sexual  
51 violence situations;

52 (12) the services and facilities available to victims of abuse, including the victim's compensation  
53 programs, emergency shelters and legal advocacy programs; and

54 (13) techniques for increasing cooperation and immediate data sharing among different areas of  
55 law enforcement in combating domestic violence and sexual violence.

56 (c) All law enforcement recruits shall receive the course of basic training for law enforcement  
57 officers, established in subsections (a) and (b), as part of their required certification process.

58 (d) The course of basic training for law enforcement officers shall be taught as part of the crisis  
59 intervention and conflict resolution components of the recruit academy training, so that there will not be  
60 an increase in the currently required 480 hours of recruit training curriculum.

61 (e) The course of instruction, the learning and performance objectives, the standards for training  
62 and the guidelines shall be developed by the municipal police training committee in consultation with  
63 appropriate groups and individuals having an interest and expertise in the fields of domestic violence and  
64 sexual violence.

65 (f) The municipal police training committee shall periodically include within its in-service  
66 training curriculum a course of instruction on handling domestic violence complaints consistent with the  
67 provisions of paragraphs (1) through (13) of subsection (b).

68 SECTION 2. Section 167 of said chapter 6 is hereby amended by inserting after the word ‘non-  
69 convictions’, in line 5 , as so appearing, the following words:- , previous and pending hearings conducted  
70 pursuant to section 58A of chapter 276, including requests of such hearings, transfers by the court,  
71 disposition of such requests, findings and orders, regardless of the determination.

72 SECTION 3. Said section 167 of said chapter 6 is hereby further amended by inserting after the  
73 word ‘proceedings’, in line 23, as so appearing, the following words:- , previous and pending hearings  
74 conducted pursuant to section 58A of chapter 276, including requests of such hearings, transfers by the  
75 court, disposition of such requests, findings and orders, regardless of the determination.

76 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after section 18M,  
77 inserted by section 18 of chapter 38 of the acts of 2013, the following section:-

78 Section 18N. (a) As used in this subsection, the following words shall have the following  
79 meanings:-

80 ‘Domestic violence’, the abuse of a family or household member, as such terms are defined in  
81 section 1 of chapter 209A.

82 ‘Fatality’, any death resulting from an incident of domestic violence or attempted domestic  
83 violence, including the death of an individual who was not a family or household member of the  
84 perpetrator.

85 ‘Local review team’, a local domestic violence fatality review team established pursuant to  
86 subsection (c).

87 ‘State review team’, the state domestic violence fatality review team established pursuant to  
88 subsection (b).

89 ‘Team’, either the local review team or the state review team.

90 (b) There shall be a state domestic violence fatality review team within the executive office of  
91 public safety and security. Members of the state review team shall be subject to criminal offender record  
92 checks to be conducted by the colonel of the state police. All members shall serve without compensation

93 for their duties associated with membership on the state review team. All members shall be immune from  
94 any liability resulting from the execution of their duties.

95 The state review team shall consist of the following 9 members:- the secretary of public safety  
96 and security or a designee employed by the executive office of public safety, who shall serve as chair; the  
97 attorney general or a designee employed by the office of the attorney general; the chief medical examiner  
98 or a designee employed by the office of the chief medical examiner; a member selected by the  
99 Massachusetts District Attorneys Association; the colonel of the state police or a designee employed by  
100 the department of state police; the commissioner of probation or a designee employed by the office of  
101 probation; 2 justices of the trial court, 1 of whom shall be the chief justice of the trial court or a designee,  
102 and the other of whom shall be selected by the chief justice; and a member selected by the Massachusetts  
103 office of victim assistance, who shall be employed by the office.

104 The purpose of the state team shall be to decrease the incidence of preventable domestic violence  
105 fatalities by: (i) developing an understanding of the causes and incidence of domestic violence fatalities  
106 and the circumstances surrounding them; and (ii) advising the governor and the general court by  
107 recommending changes in law, policy and practice designed to prevent domestic violence fatalities.

108 To achieve its purpose, the state review team shall:

- 109 (1) develop model investigative and data collection protocols for local review teams;
- 110 (2) annually review incidents of fatalities within the commonwealth and assign at least 3  
111 fatalities, selected at random, to a local review team for investigation and report; provided, that a fatality  
112 may be assigned only upon the majority vote of the state review team, and only in the event that any  
113 criminal proceeding relative to the fatality is complete, with all appeals exhausted;
- 114 (3) provide information to local review teams, law enforcement agencies and domestic  
115 violence service providers for the purpose of protecting victims of domestic violence;
- 116 (4) provide training and written materials to local review teams to assist them in carrying out  
117 their duties;
- 118 (5) review reports from local review teams;
- 119 (6) analyze community, public and private agency involvement with victims of domestic  
120 violence and their families prior to and subsequent to fatalities;
- 121 (7) develop a protocol for the collection of data regarding fatalities and provide training to  
122 local review teams on the protocol, which shall include protocol and training on the issues of  
123 confidentiality of records, victims' identities, and any personally identifying data;
- 124 (8) develop and implement rules and procedures necessary for its own operation and the  
125 operation of local review teams, which shall include the use of confidentiality agreements for both the  
126 state and local review teams; and
- 127 (9) provide the governor and the general court with annual written reports, subject to any  
128 applicable confidentiality restrictions, which shall include, but not be limited to, the state team's findings  
129 and recommendations, and which shall be filed with the clerks of the house of representatives and the  
130 senate on or before July 31.

131 (c) There shall be a local domestic violence fatality review team in each of the 11 districts headed  
132 by a district attorney. Members of a local review team shall be subject to criminal offender record checks  
133 to be conducted by the district attorney. All members shall serve without compensation for their duties

134 associated with membership on a local review team. All members shall be immune from any liability  
135 resulting from the execution of their duties.

136 Each local review team shall be chaired by the district attorney of the district, and shall be  
137 comprised of at least the following members, who shall be appointed by the district attorney and who  
138 shall reside or work within the district: a medical examiner or pathologist; a chief of police; a probation  
139 officer; a member with experience providing non-profit legal services to victims of domestic violence; a  
140 member with experience in the delivery of direct services to victims of domestic violence; and any other  
141 person with expertise or information relevant to an individual case who may attend meetings on an ad hoc  
142 basis, including, but not limited to, local or state law enforcement officers, local providers of social  
143 services, providers of community based domestic violence, rape, and sexual assault shelter and support  
144 services, hospital representatives, medical specialists or subspecialists, teachers, family or friends of a  
145 victim, and persons recommended by the state review team.

146 The purpose of each local review team shall be to decrease the incidence of preventable domestic  
147 violence fatalities by: (i) coordinating the collection of information on fatalities assigned to it for review;  
148 (ii) promoting cooperation and coordination between agencies responding to fatalities and providing  
149 services to victims or victims' family members; (iii) developing an understanding of the causes and  
150 incidence of domestic violence fatalities within its area; and (iv) advising the state review team on  
151 changes in law, policy or practice which may affect domestic violence fatalities.

152 To achieve its purpose, each local team shall, subject to assignment by the state review team:

153 (1) review, establish and implement model protocols from the state review team;

154 (2) execute a confidentiality agreement;

155 (3) review individual fatalities in accordance with the established protocol;

156 (4) meet periodically, but at least 2 times per calendar year, to review the status of assigned cases  
157 and recommend methods of improving coordination of services between agencies and service providers in  
158 its area;

159 (5) collect, maintain and provide confidential data as required by the state review team; and

160 (6) provide law enforcement or other agencies with information for the purposes of the protection  
161 of victims of domestic violence.

162 (d) At the request of the local district attorney, the local review team shall be immediately  
163 provided with:

164 (1) information and records relevant to the cause of the fatality or any party involved with the  
165 fatality maintained by providers of medical or other care, treatment or services, including dental and  
166 mental health care;

167 (2) information and records relevant to the cause of the fatality or any party involved with the  
168 fatality maintained by any state, county or local government agency including, but not limited to, birth  
169 certificates, medical examiner investigative data, all incident reports, parole and probation information

170 records, and law enforcement data post-disposition, provided that certain law enforcement records may be  
171 exempted by the local district attorney;

172 (3) information and records of any provider of social services, including the department of  
173 children and families and non-profit agencies, related to the victim or victim's family or any party  
174 involved with the fatality that the local team deems relevant to the review; and

175 (4) demographic information relevant to the victim and the victim's immediate family or any  
176 party involved with the fatality, including, but not limited to, address, age, race, gender and economic  
177 status.

178 The district attorney may enforce this subsection by seeking an order of the superior court.

179 (e) Any privilege or restriction on disclosure established pursuant to chapter 66A, section 70 of  
180 chapter 111, section 11 of chapter 111B, section 18 of 111E, chapter 112, chapter 123 or sections 20B,  
181 20J, 20K or 20M of chapter 233 or any other law relating to confidential communications which would  
182 otherwise be held by the victim of a fatality or protect records and information directly related to such  
183 victim shall not prohibit the disclosure of such records or information, as it directly relates to that victim,  
184 to the chair of the state review team or a local review team. Any privilege or restriction on disclosure  
185 pursuant to the aforementioned statutes, or any other law relating to confidential communications not  
186 directly related to the victim of a fatality shall remain in effect; provided, however, that such privilege or  
187 restriction may be waived, in writing, by the person holding it, for the limited purposes of disclosure to  
188 the state review team or a local review team. Any information considered confidential pursuant to the  
189 aforementioned statutes received by the chair of the state review team or a local review team may be  
190 submitted for a team's review upon the determination of that team's chair that the review of the  
191 information is necessary. The chair shall ensure that no information submitted for a team's review is  
192 disseminated to parties outside the team. Under no circumstances shall any member of a team violate the  
193 confidentiality provisions set forth in the aforementioned statutes.

194 Except as necessary to carry out a team's purpose and duties, members of a team and persons  
195 attending a team meeting may not disclose any information relating to the team's business.

196 Team meetings shall be closed to the public. Information and records acquired by a team pursuant  
197 to this section shall be confidential, shall not be considered public records, as defined in clause Twenty-  
198 sixth of section 7 of chapter 4, shall be exempt from disclosure pursuant to chapter 66, and may only be  
199 disclosed as necessary to carry out a team's duties and purposes. All such records shall be maintained by  
200 the chair of the team.

201 Statistical compilations of data which do not contain any information that would permit the  
202 identification of any person may be disclosed to the public.

203 (f) Members of a team, persons attending a team meeting and persons who present information to  
204 a team may not be questioned in any civil or criminal proceeding regarding information presented in or  
205 opinions formed as a result of a team meeting.

206 (g) Information, documents and records of a team shall not be subject to subpoena, discovery or  
207 introduction into evidence in any civil or criminal proceeding; provided, however, that information,

208 documents and records otherwise available from any other source shall not be immune from subpoena,  
209 discovery or introduction into evidence through these sources solely because they were presented during  
210 proceedings of a team or are maintained by a team.

211 SECTION 5. Chapter 12 of the General Laws is hereby amended by adding the following  
212 section:-

213 Section 33. The Massachusetts District Attorneys Association shall provide training on the issue  
214 of domestic violence and sexual violence in the commonwealth, at least once biannually, to all district  
215 attorneys and assistant district attorneys. Such training shall include, but not be limited to, the  
216 dissemination of information concerning:

217 (1) misdemeanor and felony offenses in which domestic violence and sexual violence are  
218 often involved;

219 (2) the civil rights and remedies available to victims of domestic violence and sexual  
220 violence;

221 (3) methods for assessing the degree of risk of homicide involved in situations of domestic  
222 violence, including, but not limited to, gathering information from the victim regarding the suspect's past  
223 reported and non-reported behavior and dangerousness, such as: (i) whether the suspect has ever used a  
224 weapon against the victim or threatened the victim with a weapon, (ii) whether the suspect owns a gun;  
225 (iii) whether the suspect's physical violence against the victim has increased in severity or frequency; (iv)  
226 whether the suspect has threatened to kill the victim; (v) whether the suspect has ever threatened or  
227 attempted suicide; (vi) whether the suspect has used or threatened physical violence against the victim's  
228 family, other household members, or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the  
229 suspect abuses alcohol; and (ix) whether there have been specific instances of strangulation or suffocation  
230 of the victim by the suspect;

231 (4) law enforcement techniques, information sharing, and methods of promoting cooperation  
232 among different areas of law enforcement in combating domestic violence and sexual violence, including  
233 the importance of keeping victims informed as to the whereabouts of suspected abusers and other such  
234 information helpful for victim safety planning;

235 (5) the physiological and psychological effects of the pattern of domestic violence and  
236 sexual violence on its victims, including children who witness such abuse;

237 (6) the underlying psychological and sociological causes of domestic violence and sexual  
238 violence and the availability of batterer's intervention programs;

239 (7) the availability of community based domestic violence, rape, and sexual assault shelter  
240 and support services within the commonwealth, including, to the extent practicable, specific shelter and  
241 support services available in a district attorney's district; and

242 (8) techniques for increasing cooperation and immediate data sharing among different areas  
243 of law enforcement and the court system in combating domestic violence and sexual violence.

244 The Massachusetts District Attorneys Association may appoint such expert, clerical and other  
245 staff members as the operation of the training program may require. Where appropriate, the training  
246 presenters shall include domestic violence and sexual violence experts with expertise in the delivery of  
247 direct services to victims of domestic violence and sexual violence, including utilizing community based  
248 domestic violence, rape and sexual assault service providers, and survivors of domestic violence, rape or  
249 sexual assault in the presentation of the training.

250 SECTION 6. Chapter 41 of the General Laws is hereby amended by striking out section 97D, as  
251 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

252 Section 97D. All reports of rape and sexual assault or attempts to commit such offenses, all  
253 reports of abuse perpetrated by family or household members, as defined in section 1 of chapter 209A and  
254 all communications between police officers and victims of such offenses or abuse shall not be public  
255 reports and shall be maintained by the police departments in a manner that shall assure their  
256 confidentiality; provided, however, that all such reports shall be accessible at all reasonable times, upon  
257 written request, to the victim and victim's attorney, to others specifically authorized by the victim to  
258 obtain such information and to prosecutors, victim-witness advocates as defined in section 1 of chapter  
259 258B, domestic violence victims' counselors as defined in section 20K of chapter 233, sexual assault  
260 counselors as defined in section 20J of chapter 233, if such access is necessary in the performance of their  
261 duties; and provided further, that all such reports shall be accessible at all reasonable times, upon written,  
262 telephonic, facsimile, or electronic mail request to law enforcement officers, district attorneys or assistant  
263 district attorneys, and all persons authorized to admit persons to bail pursuant to section 57 of chapter  
264 276. Communications between police officers and victims of said offenses and abuse may also be shared  
265 with the forgoing named persons if such access is necessary in the performance of their duties. Whoever  
266 violates any provision of this section shall be punished by imprisonment for not more than 1 year or by a  
267 fine of not more than \$1,000, or both such fine and imprisonment.

268 SECTION 7. Said chapter 41 is hereby further amended by striking out section 98F, as so  
269 appearing, and inserting in place thereof the following section:-

270 Section 98F. Each police department and each college or university to which officers have been  
271 appointed pursuant to the provisions of section 63 of chapter 22C shall make, keep and maintain a daily  
272 log, written in a form that can be easily understood, recording, in chronological order, all responses to  
273 valid complaints received, crimes reported, the names, addresses of persons arrested and the charges  
274 against such persons arrested. All entries in said daily logs shall, unless otherwise provided in law, be  
275 public records available without charge to the public during regular business hours and at all other  
276 reasonable times; provided, however, that any entry in a log which pertains to a handicapped individual  
277 who is physically or mentally incapacitated to the degree that said person is confined to a wheelchair or is  
278 bedridden or requires the use of a device designed to provide said person with mobility, any information  
279 concerning responses to reports of domestic violence, rape or sexual assault, or any entry concerning the  
280 arrest of a person for assault, assault and battery, or violation of a protective order where the victim is a  
281 family or household member, as defined in section 1 of chapter 209A, shall be kept in a separate log and  
282 shall not be a public record nor shall such entry be disclosed to the public, or any individual not specified  
283 in section 97D.



284 SECTION 7A. Section 121 of chapter 140 of the general laws, as appearing in the 2012 official edition,  
285 shall be amended by deleting in lines 6 through 8 the following:- ‘The term ‘ammunition’ shall also mean  
286 tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas,  
287 powder or any other substance designed to incapacitate.’

288  
289 SECTION 7B. Section 121 of chapter 140 of the general laws, as so appearing, shall be amended by  
290 inserting after the word ‘imposed’ in line 7 the following:- ‘Defensive Spray’ shall mean tear gas  
291 cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or  
292 any other substance designed to incapacitate.’

293  
294 SECTION 7C. Section 129B of chapter 140 of the general laws, as so appearing, shall be amended by  
295 deleting in lines 141 through 143 the following:- ‘A firearm identification card shall be valid for the  
296 purpose of purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid,  
297 gas or powder designed to temporarily incapacitate.’

298  
299 SECTION 7D Section 129B of chapter 140 of the general laws, as so appearing, shall be amended by  
300 deleting in lines 155 through 159 the following:- ‘If a firearm identification card is issued for the sole  
301 purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas  
302 or powder designed to temporarily incapacitate, such card shall clearly state that such card is valid for  
303 such limited purpose only.’

304  
305 SECTION 7E. Section 129B of chapter 140 of the general laws, as so appearing, shall be amended by  
306 deleting Clause (9B) in lines 198 through 215.

307  
308 SECTION 7F. Chapter 140 of the general laws, as so appearing, shall be amended by inserting the  
309 following new section:- Section 129E. Notwithstanding and special law or regulation to the contrary it  
310 shall be lawful for residents or non-residents aged 18 years of age or older to purchase, possess, carry,  
311 transport Defensive Sprays as defined in section 121 of chapter 140.

312  
313 SECTION 7G. Section 131 of chapter 140 of the general laws, as so appearing, shall be amended by  
314 deleting in clause (c), the following:- ‘and for purchasing and possessing chemical mace, pepper spray, or  
315 other similarly propelled liquid, gas, or powder designed to temporarily incapacitate,.

316 SECTION 8. Chapter 112 of the General Laws is hereby amended by adding the following  
317 section:-

318 Section 264. The board of registration in medicine, the board of registration in nursing, the board  
319 of registration of physician assistants, the board of administration of nursing home administrators, the  
320 board of registration of social workers, the board of registration of psychologists and the board of  
321 registration of allied mental health and human services professions shall develop and administer standards  
322 for licensure, registration or certification pursuant to this chapter, as applicable, and any renewal thereof,  
323 that require training and education on the issue of domestic violence and sexual violence, including, but  
324 not limited to, the common physiological and psychological symptoms of domestic violence and sexual  
325 violence, the physiological and psychological effects of domestic violence and sexual violence on  
326 victims, the challengers of domestic violence victims who come from different cultures and speak

327 different languages and the availability of community-based domestic violence, rape and sexual assault  
328 shelter and support services within the commonwealth. Each board may work with community-based  
329 domestic violence, rape and sexual assault service providers in order to develop the standards required by  
330 this section. Each board shall: (i) promulgate rules and regulations establishing the standards required by  
331 this section; and (ii) identify programs or courses of study which meet these standards and the rules or  
332 regulations so promulgated. Each board shall provide a list of the identified programs or courses of study  
333 to an applicant for licensure, registration or certification, or renewal thereof.

334 SECTION 9. Chapter 149 of the General Laws is hereby amended by inserting after section 52D  
335 the following new section:-

336 Section 52E. (a) For purposes of this section, the following words shall, unless the context  
337 clearly indicates otherwise, have the following meanings:

338 'Abuse', (i) attempting to cause or causing physical harm; (ii) placing another in fear of  
339 imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations by force,  
340 threat or duress or engaging or threatening to engage in sexual activity with a dependent child; (iv)  
341 engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; or (v)  
342 depriving another of medical care, housing, food or other necessities of life.

343 'Abusive behavior', (i) any behavior constituting domestic violence; (ii) stalking in  
344 violation of section 43 of chapter 265; (iii) sexual assault, which shall include a violation of sections 13B,  
345 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50 or 51 of said chapter 265 or  
346 section 3 or 35A of chapter 272; and (iv) kidnapping in violation of the third paragraph of section 26 of  
347 chapter 265.

348 'Domestic violence', abuse against an employee or the employee's family member by: (i)  
349 a current or former spouse of the employee or the employee's family member; (ii) a person with whom  
350 the employee or the employee's family member shares a child in common; (iii) a person who is  
351 cohabitating with or has cohabitated with the employee or the employee's family member; (iv) a person  
352 who is related by blood or marriage to the employee; or (v) a person with whom the employee or  
353 employee's family member has or had a dating or engagement relationship.

354 'Family member', (i) persons who are married to one another; (ii) persons in a  
355 substantive dating or engagement relationship and who reside together; (iii) persons having a child in  
356 common regardless of whether they have ever married or resided together; (iv) a parent, step-parent,  
357 child, step-child, sibling, grandparent or grandchild; or (v) persons in a guardianship relationship.

358 (b) An employer shall permit an employee to take up to 15 days of leave from work in any 12  
359 month period if:

360 (i) the employee, or a family member of the employee, is a victim of abusive  
361 behavior;

362 (ii) the employee is using the leave from work to: seek or obtain medical  
363 attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a  
364 court; appear in court or before a grand jury; meet with a district attorney or other law enforcement

365 official; or attend child custody proceedings or address other issues directly related to the abusive  
366 behavior against the employee or family member of the employee; and

367 (iii) the employee is not the perpetrator of the abusive behavior against such  
368 employee's family member.

369 The employer shall have sole discretion to determine whether any leave taken pursuant to  
370 this section shall be paid or unpaid.

371 (c) This section shall apply to employers who employ 50 or more employees. As used in this  
372 subsection, 'employees' shall mean individuals who perform services for and under the control and  
373 direction of an employer for wages or other remuneration.

374 (d) Except in cases of imminent danger to the health or safety of an employee, an employee  
375 seeking leave from work pursuant to this section shall provide appropriate advance notice of the leave to  
376 the employer as required by the employer's leave policy.

377 If there is a threat of imminent danger to the health or safety of an employee or the  
378 employee's family member, the employee shall not be required to provide advance notice of leave;  
379 provided, however, that the employee shall notify the employer within 3 workdays that the leave was  
380 taken or is being taken pursuant to this section. Such notification may be communicated to the employer  
381 by the employee, a family member of the employee or the employee's counselor, social worker, health  
382 care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted  
383 the employee in addressing the effects of the abusive behavior on the employee or the employee's family  
384 member.

385 If an unscheduled absence occurs, an employer shall not take any negative action against  
386 the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the  
387 last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of  
388 the documentation described in paragraphs (1) to (6), inclusive, of subsection (e).

389 (e) An employer may require an employee to provide documentation evidencing that the  
390 employee or employee's family member has been a victim of abusive behavior and that the leave taken is  
391 consistent with the conditions of clauses (i) to (iii), inclusive, of subsection (b); provided, however, that  
392 an employer shall not require an employee to show evidence of an arrest, conviction or other law  
393 enforcement documentation for such abusive behavior. An employee shall provide such documentation  
394 to the employer within a reasonable period after the employer requests documentation relative to the  
395 employee's absence. An employee shall satisfy this documentation requirement by providing any 1 of the  
396 following documents to the employer:

397 (1) a document under the letterhead of the court, provider or public agency which  
398 the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against  
399 the employee or the employee's family member;

400 (2) a police report or statement of a victim or witness provided to police,  
401 including a police incident report, documenting the abusive behavior complained of by the employee or  
402 the employee's family member;

403 (3) documentation that the perpetrator of the abusive behavior against the  
404 employee or family member of the employee has: (i) admitted to sufficient facts to support a finding of  
405 guilt of abusive behavior; or (ii) been convicted of, or adjudicated a juvenile delinquent by reason of any  
406 offense constituting abusive behavior and which is related to the abusive behavior that necessitated the  
407 leave pursuant to this section;

408 (4) medical documentation of treatment as a result of the abusive behavior  
409 complained of by the employee or employee's family member;

410 (5) an affidavit, signed under the penalties of perjury, provided by a counselor,  
411 social worker, health care worker, member of the clergy, shelter worker, legal advocate or other  
412 professional who has assisted the employee or the employee's family member in addressing the effects of  
413 the abusive behavior; or

414 (6) an affidavit, signed under the penalties of perjury, from the employee  
415 attesting that the employee has been the victim of abusive behavior or is the family member of a victim of  
416 abusive behavior.

417 Any documentation provided to an employer pursuant to this section may be maintained by the  
418 employer in the employee's employment record but only for as long as required for the employer to make  
419 a determination as to whether the employee is eligible for leave pursuant to this section.

420 (f) All information that is not a public record related to the employee's leave pursuant to this  
421 section shall be kept confidential by the employer and shall not be disclosed, except to the extent that  
422 disclosure is:

423 (i) requested or consented to, in writing, by the employee;

424 (ii) ordered to be released by a court of competent jurisdiction;

425 (iii) otherwise required by applicable federal or state law;

426 (iv) related to investigations authorized by law enforcement, including, but not  
427 limited to, an investigation by the attorney general; or

428 (v) necessary to protect the safety of the employee or others employed at the  
429 workplace.

430 (g) An employee seeking leave pursuant to this section shall exhaust all annual or vacation leave,  
431 personal leave and sick leave available to the employee, prior to requesting or taking leave pursuant to  
432 this section, unless the employer waives this requirement.

433 (h) No employer shall coerce, interfere with, restrain or deny the exercise of, or any attempt to  
434 exercise, any rights provided in this section or make leave requested or taken hereunder contingent upon  
435 whether or not the victim maintains contact with the alleged abuser.

436 (i) No employer shall discharge or in any other manner discriminate against an employee for  
437 exercising the employee's rights pursuant to this section. The taking of leave pursuant to this section

438 shall not result in the loss of any employment benefit accrued prior to the date on which the leave taken  
439 pursuant to this section commenced. Upon the employee's return from such leave, the employee shall be  
440 entitled to restoration to the employee's original job or to an equivalent position.

441 (j) The attorney general shall enforce this section and may seek injunctive relief or other  
442 equitable relief to enforce this section.

443 (k) Employers with 50 or more employees shall notify each employee of the rights and  
444 responsibilities provided by this section including those related to notification requirements and  
445 confidentiality. As used in this subsection, 'employees' shall mean individuals who perform services for  
446 and under the control and direction of an employer for wages or other remuneration.

447 (l) This section shall not be construed to exempt an employer from complying with chapter 258B,  
448 section 14B of chapter 268 or any other general or special law or to limit the rights of any employee under  
449 said chapter 258B, said section 14B of said chapter 268 or any other general or special law.

450 (m) Any benefit received from this section shall not be considered relevant in any criminal or  
451 civil proceeding as it relates to the alleged abuse unless, after a hearing, a justice of the district, superior  
452 or probate court determines that such benefit is relevant to the allegations.

453 SECTION 10. Section 150 of said chapter 149, as appearing in the 2012 Official Edition, is  
454 hereby amended by inserting after the figure '33E', in line 20, the following figure:- , 52E.

455 SECTION 11. Section 3 of chapter 209A of the General Laws, as so appearing, is hereby  
456 amended by striking out, in line 149, the word 'except' and inserting in place thereof the following:-  
457 including.

458 SECTION 12. Said section 3 of said chapter 209A, as so appearing, is hereby further amended by  
459 inserting after the word 'support', in line 149, the following:-

460 ; provided, however, that upon issuing an order for custody or support, the superior, district or  
461 Boston municipal court shall provide a copy of the order to the probate and family court department of the  
462 trial court that issued the prior or pending custody or support order immediately; provided further, that  
463 such order for custody or support shall be for a fixed period of time not to exceed 30 days; and provided  
464 further, that such order may be superseded by a subsequent custody or support order issued by the probate  
465 and family court department, which shall retain final jurisdiction over any custody or support order.

466 SECTION 13. The second paragraph of section 7 of said chapter 209A, as so appearing, is hereby  
467 amended by inserting, after the first sentence the following sentence:- Law enforcement agencies shall  
468 establish adequate procedures to ensure that, when effecting service upon a defendant pursuant to this  
469 paragraph, a law enforcement officer shall, to the extent practicable: (i) fully inform the defendant of the  
470 contents of the order and the available penalties for any violation of an order or terms thereof, and (ii)  
471 provide the defendant with informational resources, including, but not limited to, a list of certified batterer  
472 intervention programs, and substance abuse counseling, alcohol abuse counseling, and financial  
473 counseling programs located within or near the court's jurisdiction.

474 SECTION 14. Said section 7 of said chapter 209A, as so appearing, is hereby further amended  
475 by inserting after the word 'order', in line 50, the following words:- , or as a condition of a continuance  
476 without a finding.

477 SECTION 15. Subsection (a) of section 3 of chapter 209C of the General Laws, as so appearing,  
478 is hereby amended by adding the following sentence:- No court shall make an order providing visitation  
479 rights to a parent who was convicted of rape pursuant to sections 22 to 23B, inclusive, of chapter 265 or  
480 section 3, 4, or 17 of chapter 272, and is seeking to obtain visitation with the child who was conceived  
481 during the commission of that rape, unless the judge determines that such child is of suitable age to  
482 signify the child's assent and that assent is in the best interest of the child; provided, however, that a court  
483 may make an order providing visitation rights to a parent convicted of rape pursuant to section 23 of said  
484 chapter 265, if visitation is in the best interest of the child and either (i) the other parent of the child  
485 conceived during the commission of that rape has reached the age of 18, and said parent consents to such  
486 visitation, or (ii) the judge makes an independent determination that visitation is in the best interest of the  
487 child.

488 No court shall make an order providing visitation rights to a parent who has been convicted of murder in  
489 the first degree of a sibling of the child who is the subject of the order, unless such child is of suitable age  
490 to signify his assent to such order; provided further, that until such order is issued, no person shall visit,  
491 with the child present, a parent who has been convicted of murder in the first degree of a sibling of the  
492 child.

493  
494 No court shall make an order providing visitation rights to a parent who has been convicted of sexual  
495 assault on any family member; provided further, that this provision shall apply to all siblings regardless of  
496 whether the child(ren) placed in the custody of the department is the victim of said sexual assault.

497  
498 The department of children and families shall make no order providing visitation rights to a parent who  
499 has been convicted of murder in the first degree of a sibling of the child who is the subject of the order,  
500 unless such child is of suitable age to signify his assent to such order; provided further, that until such  
501 order is issued, no person shall visit, with the child present, a parent who has been convicted of murder in  
502 the first degree.

503  
504 The department of children and families shall make no order providing visitation rights to a parent whose  
505 child(ren) has been placed in the custody of the department as a result of sexual assault on any family  
506 member; provided further, that this provision shall apply to all siblings regardless of whether the  
507 child(ren) placed in the custody of the department is the victim of said sexual assault.'

508  
509 SECTION 16. The first paragraph of subsection (e) of section 10 of said chapter 209C, as so  
510 appearing, is hereby amended by adding the following sentence:- For the purposes of this section, if the  
511 child was conceived during the commission of a rape and the parent was convicted of said rape pursuant  
512 to sections 22 to 23B, inclusive, of chapter 265 or section 3, 4 or 17 of chapter 272, said conviction shall  
513 be conclusive evidence of a serious incident of abuse by the convicted parent.

514 SECTION 17. Chapter 211B of the General Laws is hereby amended by inserting after section  
515 9A the following section:-

516 Section 9B. The chief justice of the trial court department shall provide training on the issue of  
517 domestic violence and sexual violence in the commonwealth, at least once biannually, to all appropriate  
518 court personnel throughout the commonwealth, including but not limited to judges, clerks of court,  
519 probation officers, court officers, security officers and guardians ad litem. Such training shall include, but  
520 not be limited to, the dissemination of information concerning:

521 (1) misdemeanor and felony offenses in which domestic violence and sexual violence are  
522 often involved;

523 (2) the civil rights and remedies available to victims of domestic violence and sexual  
524 violence;

525 (3) methods for assessing the degree of risk of homicide involved in situations of domestic  
526 violence, including, but not limited to, gathering information from the victim regarding the suspect's past  
527 reported and non-reported behavior and dangerousness, such as : (i) whether the suspect has ever used a  
528 weapon against the victim or threatened the victim with a weapon, (ii) whether the suspect owns a gun;  
529 (iii) whether the suspect's physical violence against the victim has increased in severity or frequency; (iv)  
530 whether the suspect has threatened to kill the victim; (v) whether the suspect has ever threatened or  
531 attempted suicide; (vi) whether the suspect has used or threatened physical violence against the victim's  
532 family, other household members, or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the  
533 suspect abuses alcohol; and (ix) whether there have been specific instances of strangulation or suffocation  
534 of the victim by the suspect;

535 (4) law enforcement techniques, information sharing, and methods of promoting cooperation  
536 among the various court departments in combating domestic violence and sexual violence, including the  
537 importance of keeping victims informed as to the whereabouts of suspected abusers and other such  
538 information helpful for victim safety planning;

539 (5) the physiological and psychological effects of the pattern of domestic violence and  
540 sexual violence on its victims, including children who witness such abuse;

541 (6) the underlying psychological and sociological causes of domestic violence and sexual  
542 violence and the availability of batterer's intervention programs;

543 (7) the availability of community based domestic violence, rape, and sexual assault shelter  
544 and support services within the commonwealth, including, to the extent practicable, specific shelter and  
545 support services available in a court's geographical area; and

546 (8) techniques for increasing cooperation and immediate data sharing among different areas  
547 of law enforcement and the court system in combating domestic violence and sexual violence.

548 The chief justice of the trial court may appoint such expert, clerical and other staff members as  
549 the operation of the training program may require. Where appropriate, the training presenters shall include  
550 domestic violence and sexual violence experts with expertise in the delivery of direct services to victims

551 of domestic violence and sexual violence, including utilizing community based domestic violence, rape  
552 and sexual assault service providers, and survivors of domestic violence, rape or sexual assault in the  
553 presentation of the training.

554 SECTION 18. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby amended  
555 by striking out, in line 18, the words ‘fifteen A and twenty-one A’ and inserting in place thereof the  
556 following:- 15A, 15D, 21A and 26.

557 SECTION 19. Section 8 of chapter 258B of the General Laws, as so appearing, is hereby  
558 amended by striking out, in line 1, the figure ‘90’ and inserting in place thereof the following figure:- 110.

559 SECTION 20. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by  
560 striking out, in line 5, the figure ‘50’ and inserting in place thereof the following figure:- 70.

561 SECTION 21. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by  
562 striking out, in line 8, the figure ‘45’ and inserting in place thereof the following figure:- 65.

563 SECTION 22. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by  
564 inserting after the third sentence the following sentence:- The court shall impose an additional domestic  
565 violence prevention and victim assistance assessment of \$50 for any violation of an order issued pursuant  
566 to sections 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of 209A, or section 15  
567 of chapter 209C, or a conviction or adjudication for an act which would constitute abuse as defined in  
568 section 1 of 209A, or a violation of section 13M of chapter 265, which shall be deposited in the Domestic  
569 Violence Prevention and Victim Assistance Fund, established by section 14.

570 SECTION 23. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by  
571 striking out the seventh sentence and inserting in place thereof the following sentence:-

572 If it is determined by a written finding of fact that an assessment, other than for a civil motor  
573 vehicle infraction, imposed by this section would impose a severe financial hardship upon the person  
574 against whom the assessment is imposed, the court may structure a payment plan in order to ensure  
575 compliance with payment; provided, however, that the court may order a person required to pay a  
576 domestic violence prevention and victim assistance assessment to complete at least 8 hours of community  
577 service in order to satisfy such assessment, if a structured payment would continue to impose a severe  
578 financial hardship.

579 SECTION 24. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by  
580 inserting after the word ‘assessment’, in line 50, the following words:- and the domestic violence  
581 prevention and victim assistance assessment.

582 SECTION 25. Said chapter 258B is hereby further amended by adding the following section:-

583 Section 14. (a) There shall be established and placed within the Massachusetts office for victim  
584 assistance, under the control of the board, a fund to be known as the Domestic Violence Prevention and  
585 Victim Assistance Fund, hereinafter referred to as the fund, to be held by the board separate and apart  
586 from other funds, to support innovative practices to prevent domestic violence and provide assistance to  
587 victims of domestic violence in the commonwealth. The fund shall be credited any appropriations, bond



588 proceeds, or other monies authorized by the general court and specifically designated to be credited  
589 thereto, such additional funds as are subject to the direction and control of the board, any pension funds,  
590 federal grants or loans, royalties or private investment capital which may properly be applied in  
591 furtherance of the objectives of the fund, domestic violence prevention and victim assistance assessments  
592 pursuant to section 8 of chapter 258B and any other monies which may be available to the board for the  
593 purposes of the fund from any other source or sources. Any revenues, deposits, receipts or funds received  
594 shall be deposited in the fund, and shall be available to the board for the purposes described in this  
595 section, without further appropriation. The state treasurer shall be the custodian of the fund and shall  
596 receive, deposit and invest all monies transmitted to the state treasurer pursuant to this section in  
597 accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of  
598 return available consistent with the safety of the fund, and shall credit interest and earnings on the trust  
599 fund corpus to the trust fund; provided, that all amounts on deposit shall be available for immediate use.  
600 At the request of the board, the state treasurer shall transfer funds to the board for the administration of  
601 any grant pursuant to this section.

602 (b) All available monies in the fund that are unexpended at the end of each fiscal year shall not  
603 revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

604 (c) The fund shall be held and applied by the board to provide grants designed to support  
605 innovative practices to prevent domestic violence and provide assistance to victims of domestic violence  
606 in the commonwealth. Such innovative practices shall include, but are not limited to: (i) community-  
607 based domestic violence prevention and assistance programs and service providers; (ii) multi-disciplinary  
608 teams addressing victims of domestic violence at high risk of homicide or fatality; and (iii) other  
609 programs and service providers that support victims of domestic violence.

610 The board shall develop, in conjunction with Jane Doe, Inc., and establish guidelines for  
611 applications for grants from the fund no later than October 1, 2014; provided, that an application must  
612 demonstrate the way in which the applicant's practice or program will result in the improvement of  
613 services provided to victims of domestic violence. The board shall determine the eligibility of applicants  
614 for grants from the fund, and the level of benefits provided to successful applicants. A maximum of 6  
615 grantees may be selected to receive grants from the fund. The board shall structure the payments to  
616 grantees to ensure that no expenditure from or commitment of the assets of the fund shall result in a  
617 negative amount within the fund.

618 (d) On or before January 1, 2015, the board shall submit a report to the clerks of the house of  
619 representatives and the senate, who shall forward the same to the house and senate committees on ways  
620 and means, and to the executive office for administration and finance. The report shall provide, at a  
621 minimum: (i) the guidelines for applications for grants from the fund; (ii) a list of all applicants for grants  
622 from the fund; and (iii) a set of clearly-defined goals and benchmarks to be used to evaluate grant  
623 recipients.

624 (e) On or before March 1, 2017, the executive director shall submit a report to the clerks of the  
625 house of representatives and the senate, who shall forward the same to the house and senate committees  
626 on ways and means, and to the executive office for administration and finance. The report shall provide,  
627 at a minimum: (i) detailed evaluations of the performance of grant recipients; (ii) detailed information on  
628 grant recipients considered to be most successful; (iii) the potential for the future development and

629 implementation of successful grant recipients' practices or programs; and (iv) recommendations as to how  
630 any monies remaining in the fund should be spent.

631 SECTION 26. Section 14 of said chapter 258B is hereby repealed.

632 SECTION 27. Section 13K of chapter 265 of the General Laws, as appearing in the 2012 Official  
633 Edition, is hereby amended by inserting after subsection (c) the following new subsection:-

634 (c $\frac{1}{2}$ ) Whoever commits an assault and battery upon a family or household member, as defined in  
635 section 1 of chapter 209A, except that the determination to be made pursuant to clause (e) of said section  
636 1 of said chapter 209A shall be made by the trier of fact, who is an elder or person with disability shall, in  
637 addition to any other penalty authorized by this section, be punished by imprisonment in the state prison  
638 for not more than 5 years or in the house of correction for not more than 2 $\frac{1}{2}$  years or by a fine of not more  
639 than \$5,000 or by both such fine and imprisonment.

640 SECTION 28. Said chapter 265 is hereby further amended by striking out section 13M, as so  
641 appearing, and inserting in place thereof the following section:-

642 Section 13M. (a) Whoever commits an assault or assault and battery on a family or household  
643 member, as defined in section 13O, shall be punished by imprisonment in the house of correction for not  
644 more than 2 $\frac{1}{2}$  years or by a fine of not more than \$5,000 or both.

645 (b) Whoever is convicted of committing an assault or assault and battery on a family or household  
646 member, after having previously been convicted of, granted a continuance without a finding for, or  
647 otherwise having pleaded guilty to or admitted to a finding of sufficient facts of one of the following  
648 offenses, or of a like offense in federal court or the court of any state: (1) an assault or assault and battery  
649 on a family or household member; (2) (2) an offense that has as an element the possession, use, or  
650 threatened use of a deadly weapon; (3) a sex offense, as defined in section 178C of chapter 6, or (4) a  
651 violation of section 7 of chapter 209A, shall be punished by imprisonment in the state prison for not more  
652 than 5 years or in the house of correction for not more than 2 $\frac{1}{2}$  years, or by a fine of not more than  
653 \$10,000, or by both such fine and imprisonment.

654 (c) For any violation of this section, or as a condition of a continuance without a finding, the court  
655 shall order the defendant to complete a certified batterer's intervention program unless, upon good cause  
656 shown, the court issues specific written findings describing the reasons that batterer's intervention should  
657 not be ordered or unless the batterer's intervention program determines that the defendant is not suitable  
658 for intervention. Should a defendant not under parole supervision fail to complete a certified batterer's  
659 intervention program ordered under this subsection within 12 months of disposition or release from  
660 confinement, or within such other time as set by the court, the defendant's original term of imprisonment  
661 shall be increased by imprisonment in the house of correction for 60 days.

662 SECTION 29. Said chapter 265 is hereby further amended by inserting after section 13M the  
663 following 2 new sections:-

664 Section 13N. (a) Whoever commits, or attempts to commit an assault or an assault and battery on  
665 a family or household member, as defined in section 13O, within 500 feet of the real property comprising  
666 a trial court of the commonwealth, as defined in section 1 of chapter 211B, shall be punished

667 imprisonment in the state prison for not more than 5 years or in the house of correction for not more than  
668 2½ years, or by a fine of not more than \$1,000, or or by both such fine and imprisonment.

669 (b) Whoever commits, or attempts to commit an assault or an assault and battery on a family or  
670 household member, as defined in section 13O, with the intent to intimidate, deter or prevent such family  
671 or household member from obtaining access to a trial court of the commonwealth, as defined in section 1  
672 of chapter 211B, shall be punished by imprisonment in the state prison for not more than 10 years or in  
673 the house of correction for not more than 2½ years, or by a fine of not less than \$1,000 nor more than  
674 \$5,000, or by both such fine and imprisonment.

675 (c) For any violation of this section, or as a condition of a continuance without a finding, the court  
676 shall order the defendant to complete a certified batterer's intervention program unless, upon good cause  
677 shown, the court issues specific written findings describing the reasons that batterer's intervention should  
678 not be ordered or unless the batterer's intervention program determines that the defendant is not suitable  
679 for intervention. Should a defendant not under parole supervision fail to complete a certified batterer's  
680 intervention program ordered under this subsection within 6 months of disposition or release from  
681 confinement, or within such other time as set by the court, the defendant's original term of imprisonment  
682 shall be increased by imprisonment in the house of correction for 60 days.

683 Section 13O. For the purposes of sections 13M and 13N the term 'Family or household member',  
684 shall mean persons who:

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

686 (b) have a child in common regardless of whether they have ever married or lived together; or

687 (c) are or have been in a substantive dating or engagement relationship, which shall be adjudged  
688 by the district, probate or Boston municipal courts' consideration of the following factors:

689 (1) the length of time of the relationship;

690 (2) the type of relationship;

691 (3) the frequency of interaction between the parties; and

692 (4) if the relationship has been terminated by either person, the length of time elapsed  
693 since the termination of the relationship.

694 SECTION 30. Said chapter is hereby further amended by inserting after section 15C the  
695 following section:-

696 Section 15D. (a) For the purposes of this section the following words shall have the following  
697 meanings:-

698 'Strangulation', the intentional interference of the normal breathing or circulation of blood by  
699 applying substantial pressure on the throat or neck of another.

700 'Suffocation', the intentional interference of the normal breathing or circulation of blood by  
701 blocking the nose or mouth of another.

702 'Serious bodily injury', bodily injury that results in a permanent disfigurement, loss or  
703 impairment of a bodily function, limb or organ, or a substantial risk of death.

704 (b) Whoever strangles or suffocates another shall be punished by imprisonment in the state prison  
705 for not more than 5 years or in the house of correction for not more than 2½ years, or by a fine of not more  
706 than \$5,000, or by both such fine and imprisonment.

707 (c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation causes  
708 serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of such  
709 strangulation or suffocation, knowing or having reason to know that the person is pregnant; or (iii) is  
710 convicted of strangling or suffocating another after having been previously convicted of the crime of  
711 strangling or suffocating another under this section, or of a like offense in federal court or the court of any  
712 state; or (iv) strangles or suffocates another who he or she knows has an outstanding temporary or  
713 permanent vacate, restraining or no contact order or judgment issued pursuant to section 18 or 34B of  
714 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 of chapter 209C, in  
715 effect against him or her at the time the offense was committed, shall be punished by imprisonment in the  
716 state prison for not more than 10 years or in the house of correction for not more than 2½ years, and by a  
717 fine of not more than \$10,000.

718 (d) For any violation of this section, or as a condition of a continuance without a finding, the  
719 court shall order the defendant to complete a certified batterer's intervention program unless, upon good  
720 cause shown, the court issues specific written findings describing the reasons that batterer's intervention  
721 should not be ordered or unless the batterer's intervention program determines that the defendant is not  
722 suitable for intervention. Should a defendant not under parole supervision fail to complete a certified  
723 batterer's intervention program ordered under this subsection within 12 months of disposition or release  
724 from confinement, or within such other time as set by the court, the defendant's original term of  
725 imprisonment shall be increased by imprisonment in the house of correction for 60 days.

726 SECTION 31. Section 20D of chapter 276 of the General Laws, as appearing in the 2012 Official  
727 Edition, is hereby amended by inserting after the word 'governor', in line 8, the following words:- ;  
728 provided, however, that if a person is arrested for a crime in the commonwealth, any bail by bond or  
729 undertaking shall be assessed pursuant to sections 42, 42A, 57, 58 and 58A.

730 SECTION 32. Section 42 of said chapter 276, as so appearing, is hereby amended by inserting  
731 after the word 'trial', in line 6, the following words:- ; provided, however, that if a person is arrested for a  
732 violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209,  
733 section 3, 4 or 5 of chapter 209A or section 15 of chapter 209C or any act that would constitute abuse as  
734 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265,  
735 any bail shall be assessed pursuant sections 42A, 57, 58 and 58A.

736 SECTION 33. Section 42A of said chapter 276, as so appearing, is hereby amended by inserting  
737 after the word 'of', in line 7, the following words:- bail or.

738 SECTION 34. Said section 42A of said chapter 276, as so appearing, is hereby further amended by  
739 inserting after the first paragraph the following 3 paragraphs:-

740 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter  
741 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as  
742 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, (1)  
743 a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours

744 after arrest, except by a judge in open court, and, except where prohibited by section 57, every effort shall  
745 be made to assess bail no more than 8 hours after the arrest, and (2) the clerk, assistant clerk, or other  
746 person authorized to take bail for such violation may impose conditions on a person's release in order to  
747 ensure the appearance of the person before the court, and the safety of the alleged victim, any other  
748 individual or the community; provided, however, that the clerk, assistant clerk, or other person authorized  
749 to take bail shall, in imposing such conditions, have immediate access to all pending and prior criminal  
750 offender record information, board of probation records, and police and incident reports related to the  
751 person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent practicable, and  
752 shall take into consideration the following: the nature and circumstances of the offense charged, the  
753 potential penalty the person faces, the person's family ties, employment record and history of mental  
754 illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice or  
755 threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, the  
756 person's record of convictions, if any, any illegal drug distribution or present drug dependency, whether  
757 the person is on bail pending adjudication of a prior charge, whether the acts alleged involve abuse as  
758 defined in section 1 of chapter 209A, violation of a temporary or permanent order issued pursuant to  
759 section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section  
760 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to the  
761 aforesaid sections, whether the person is on probation, parole or other release pending completion of  
762 sentence for any conviction and whether the person is on release pending sentence or appeal for any  
763 conviction.

764 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter  
765 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as  
766 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, a  
767 judge shall, prior to admitting the person, who has attained the age of 18 years, to bail, or modifying an  
768 existing order of bail, make a written determination as to whether there are conditions of release that will  
769 reasonably assure the safety of the alleged victim or any other individual or the community on the basis of  
770 any information which the court can reasonably obtain, the nature and circumstances of the offense  
771 charged, the potential penalty the person faces, the person's family ties, employment record and history of  
772 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice  
773 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,  
774 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,  
775 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve  
776 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued  
777 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A  
778 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to  
779 the aforesaid sections, whether the person is on probation, parole or other release pending completion of  
780 sentence for any conviction and whether the person is on release pending sentence or appeal for any  
781 conviction. The judge shall have immediate access to all pending and prior criminal offender record  
782 information, board of probation records, and police and incident reports related to the person detained,  
783 upon oral, telephonic, facsimile or electronic mail request. If, after an evaluation of all factors set forth in  
784 this paragraph, a written determination is made that there are conditions of release that will reasonably  
785 assure the safety of the alleged victim, any other individual and the community, the judge shall impose  
786 such conditions of release. If, after an evaluation of all factors set forth in this paragraph, a written  
787 determination is made that there are no conditions of release that will reasonably assure the safety of the

788 alleged victim or any other individual or the community, the person shall be held and transferred  
789 automatically, and without a motion from the commonwealth, for an appearance and hearing pursuant to  
790 section 58A at the next sitting of the court; provided, however, that the commonwealth may decline such  
791 a hearing and instead proceed under section 58 and request cash bail or under section 58B revocation of  
792 release. The person shall, prior to admittance, be provided with informational resources related to  
793 domestic violence by the person admitting the arrestee to bail, which shall include, but is not limited to, a  
794 list of certified batterer intervention programs located within or near the court's jurisdiction. If the  
795 defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the  
796 victim of the defendant's release by the arresting police department. If the defendant is released on bail by  
797 order of a court, a reasonable attempt shall be made to notify the victim of the defendant's release by the  
798 district attorney.

799 Notwithstanding the previous paragraph, where a judge admits a person to bail sooner than 6 hours after  
800 arrest the commonwealth may move to postpone arraignment, for the purpose of assembling the record,  
801 for not more than 3 hours for a person charged with violation of an order issued pursuant to section 18 or  
802 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 of chapter  
803 209C, or a violation of section 13K, 13M, 13N or 15D of chapter 265.

804 SECTION 35. Section 55 of said chapter 276, as so appearing, is hereby amended by inserting  
805 after the word 'felony', in line 5, the following words:- , or was a violation of an order issued pursuant to  
806 section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section  
807 15 of chapter 209C or was a violation of sections 13K, 13M, 13N or 15D of chapter 265 or would  
808 otherwise constitute abuse as defined in section 1 of said chapter 209A.

809 SECTION 36. Said chapter 276 is hereby further amended by inserting after section 56 the  
810 following section:-

811 Section 56A. Before a judge of the superior court or district court releases, discharges or admits  
812 to bail any person arrested and charged with a crime against the person or property of another, the judicial  
813 officer shall inquire into and determine whether, in the exercise of the judicial officer's discretion and  
814 based upon the information provided to the court, abuse, as defined in section 1 of chapter 209A, has  
815 occurred immediately prior to or in conjunction with the crime for which the person was arrested and  
816 charged. If the judge determines that abuse has so occurred, the judge shall make preliminary written  
817 findings of fact to that effect. Such preliminary written findings of fact shall be maintained within the  
818 statewide domestic violence record keeping system. Such preliminary written findings of fact shall not be  
819 considered criminal offender record information or public records and shall not be open for public  
820 inspection. Such preliminary written findings of fact shall not be admissible in any investigation or  
821 proceeding before a grand jury or court of the commonwealth related to the crime for which the person  
822 was brought before the court for release, discharge or discretion that such abuse has not occurred, in  
823 which case the preliminary written findings of fact shall be removed from the statewide domestic violence  
824 record keeping system. Nothing in this section shall be construed as modifying or limiting the  
825 presumption of innocence.

826 SECTION 37. Section 57 of said chapter 276, as so appearing, is hereby amended by inserting after the  
827 first paragraph the following 3 paragraphs:-

828 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter  
829 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as  
830 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, (1)  
831 a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours  
832 after arrest, except by a judge in open court, and, except where prohibited by this section, every effort  
833 shall be made to assess bail no more than 8 hours after the arrest, and (2) the clerk, assistant clerk, or  
834 other person authorized to take bail for such violation may impose conditions on a person's release in  
835 order to ensure the appearance of the person before the court, and the safety of the alleged victim, any  
836 other individual or the community; provided, however, that the clerk, assistant clerk, or other person  
837 authorized to take bail shall, in imposing such conditions, have immediate access to all pending and prior  
838 criminal offender record information, board of probation records, and police and incident reports related  
839 to the person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent  
840 practicable, and shall take into consideration the following: the nature and circumstances of the offense  
841 charged, the potential penalty the person faces, the person's family ties, employment record and history of  
842 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice  
843 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,  
844 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,  
845 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve  
846 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued  
847 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A  
848 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to  
849 the aforesaid sections, whether the person is on probation, parole or other release pending completion of  
850 sentence for any conviction and whether the person is on release pending sentence or appeal for any  
851 conviction.

852 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter  
853 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as  
854 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, a  
855 judge shall, prior to admitting the person, who has attained the age of 18 years, to bail, or modifying an  
856 existing order of bail, make a written determination as to whether there are conditions of release that will  
857 reasonably assure the safety of the alleged victim or any other individual or the community on the basis of  
858 any information which the court can reasonably obtain, the nature and circumstances of the offense  
859 charged, the potential penalty the person faces, the person's family ties, employment record and history of  
860 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice  
861 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,  
862 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,  
863 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve  
864 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued  
865 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A  
866 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to  
867 the aforesaid sections, whether the person is on probation, parole or other release pending completion of  
868 sentence for any conviction and whether the person is on release pending sentence or appeal for any  
869 conviction. The judge shall have immediate access to all pending and prior criminal offender record  
870 information, board of probation records, and police and incident reports related to the person detained,  
871 upon oral, telephonic, facsimile or electronic mail request. If, after an evaluation of all factors set forth in

872 this paragraph, a written determination is made that there are conditions of release that will reasonably  
873 assure the safety of the alleged victim, any other individual and the community, the judge shall impose  
874 such conditions of release. If, after an evaluation of all factors set forth in this paragraph, a written  
875 determination is made that there are no conditions of release that will reasonably assure the safety of the  
876 alleged victim or any other individual or the community, the person shall be held and transferred  
877 automatically, and without a motion from the commonwealth, for an appearance and hearing pursuant to  
878 section 58A at the next sitting of the court; provided, however, that the commonwealth may decline such  
879 a hearing and instead proceed under section 58 and request cash bail or under section 58B revocation of  
880 release. The person shall, prior to admittance, be provided with informational resources related to  
881 domestic violence by the person admitting the arrestee to bail, which shall include, but is not limited to, a  
882 list of certified batterer intervention programs located within or near the court's jurisdiction. If the  
883 defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the  
884 victim of the defendant's release by the arresting police department. If the defendant is released on bail by  
885 order of a court, a reasonable attempt shall be made to notify the victim of the defendant's release by the  
886 district attorney.

887 Notwithstanding the previous paragraph, where a judge admits a person to bail sooner than 6 hours after  
888 arrest the commonwealth may move to postpone arraignment, for the purpose of assembling the record,  
889 for not more than 3 hours for a person charged with violation of an order issued pursuant to section 18 or  
890 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 of chapter  
891 209C, or a violation of section 13K, 13M, 13N or 15D of chapter 265.

892 SECTION 38. Section 58 of said chapter 276, as so appearing, is hereby amended by inserting after the  
893 first paragraph the following 3 paragraphs:-

894 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter  
895 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as  
896 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, (1)  
897 a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours  
898 after arrest, except by a judge in open court, and, except where prohibited by section 57, every effort shall  
899 be made to assess bail no more than 8 hours after the arrest, and (2) the clerk, assistant clerk, or other  
900 person authorized to take bail for such violation may impose conditions on a person's release in order to  
901 ensure the appearance of the person before the court, and the safety of the alleged victim, any other  
902 individual or the community; provided, however, that the clerk, assistant clerk, or other person authorized  
903 to take bail shall, in imposing such conditions, have immediate access to all pending and prior criminal  
904 offender record information, board of probation records, and police and incident reports related to the  
905 person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent practicable, and  
906 shall take into consideration such information and the factors listed in this section.

907 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter  
908 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as  
909 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, a  
910 judge shall, prior to admitting the person, who has attained the age of 18 years, to bail, or modifying an  
911 existing order of bail, make a written determination as to whether there are conditions of release that will  
912 reasonably assure the safety of the alleged victim or any other individual or the community on the basis of  
913 any information which the court can reasonably obtain, the nature and circumstances of the offense  
914 charged, the potential penalty the person faces, the person's family ties, employment record and history of



915 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice  
916 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,  
917 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,  
918 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve  
919 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued  
920 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A  
921 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to  
922 the aforesaid sections, whether the person is on probation, parole or other release pending completion of  
923 sentence for any conviction and whether the person is on release pending sentence or appeal for any  
924 conviction. The judge shall have immediate access to all pending and prior criminal offender record  
925 information, board of probation records, and police and incident reports related to the person detained,  
926 upon oral, telephonic, facsimile or electronic mail request. If, after an evaluation of all factors set forth in  
927 this paragraph, a written determination is made that there are conditions of release that will reasonably  
928 assure the safety of the alleged victim, any other individual and the community, the judge shall impose  
929 such conditions of release. If, after an evaluation of all factors set forth in this paragraph, a written  
930 determination is made that there are no conditions of release that will reasonably assure the safety of the  
931 alleged victim or any other individual or the community, the person shall be held and transferred  
932 automatically, and without a motion from the commonwealth, for an appearance and hearing pursuant to  
933 section 58A at the next sitting of the court; provided, however, that the commonwealth may decline such  
934 a hearing and instead proceed under section 58 and request cash bail or under section 58B revocation of  
935 release. The person shall, prior to admittance, be provided with informational resources related to  
936 domestic violence by the person admitting the arrestee to bail, which shall include, but is not limited to, a  
937 list of certified batterer intervention programs located within or near the court's jurisdiction. If the  
938 defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the  
939 victim of the defendant's release by the arresting police department. If the defendant is released on bail by  
940 order of a court, a reasonable attempt shall be made to notify the victim of the defendant's release by the  
941 district attorney.

942 Notwithstanding the previous paragraph, where a judge admits a person to bail sooner than 6  
943 hours after arrest the commonwealth may move to postpone arraignment, for the purpose of assembling  
944 the record, for not more than 3 hours for a person charged with violation of an order issued pursuant to  
945 section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section  
946 15 of chapter 209C, or a violation of section 13K, 13M, 13N or 15D of chapter 265.

947 SECTION 39. Section 58A of said chapter 276, as so appearing, is hereby amended by inserting  
948 after the figure '(3)', in line 29, the following words:- ; provided, however, a person who has attained the  
949 age of 18 years arrested and charged with a violation of an order issued pursuant to section 18 or 34B of  
950 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 of chapter 209C or  
951 any act that would constitute abuse as defined in section 1 of said chapter 209A, or a violation of section  
952 13M of chapter 265 shall not be admitted to bail sooner than 6 hours after arrest and every effort shall be  
953 made to assess bail no more than 8 hours after the arrest.

954 'SECTION 40. Said section 58A of said chapter 276, as so appearing, is hereby further amended  
955 by striking out, in line 92, the word 'ninety' and inserting in place thereof the words 'one hundred and  
956 twenty'.

957 SECTION 41. The second paragraph of subsection (4) of said section 58A of said chapter 276, as  
958 so appearing, is hereby amended by inserting after the fifth sentence the following sentence:- Prior to the  
959 summons of an alleged victim, or a member of the alleged victim's family, to appear as a witness at the  
960 hearing, the person shall demonstrate to the court, ex-parte and under oath, a good faith basis for the  
961 person's reasonable belief that the testimony from the witness will support a conclusion that there are  
962 conditions of release that will reasonably assure the safety of any other person or the community. Such  
963 ex-parte motion and hearing shall be impounded.

964 SECTION 42. Said section 58A of said chapter 276, as so appearing, is hereby further amended  
965 by inserting after the word 'hearing', in line 115, the following words:- , and the judge shall consider  
966 hearsay contained in a police report or the statement of an alleged victim or witness.

967 SECTION 43. The second paragraph of subsection (4) of said section 58A of said chapter 276, as  
968 so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
969 following sentence:- The hearing may be reopened before or after a determination by the judge, at any  
970 time before trial, upon a motion of the commonwealth or the person detained and a finding by the judge  
971 that information exists that was not known at the time of the hearing or that there has been a change in  
972 circumstances, and that such information or change in circumstances has a material bearing on the issue  
973 of whether there are conditions of release that will reasonably assure the safety of any other person or the  
974 community.

975 SECTION 44. Said section 58A of said chapter 276, as so appearing, is hereby further amended  
976 inserting after the word 'conviction', in lines 153 and 154, the following words:- ; provided, however,  
977 that if the person who has attained the age of 18 years is held under arrest for a violation of an order  
978 issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of 209A or  
979 section 15 of chapter 209C or any act that would constitute abuse as defined in section 1 of said chapter  
980 209A or a violation of sections 13K, 13M, 13N or 15D of chapter 265, said justice shall make a written  
981 determination as to the considerations required by this subsection.

982 SECTION 45. Said section 58A of said chapter 276, as so appearing is hereby further amended  
983 by adding the following subsection:-

984 (8) If, after a hearing pursuant to subsection (4), detention pursuant to subsection (3) is ordered or  
985 pretrial release subject to conditions under subsection (2) is ordered, then:

986 (A) the clerk shall immediately notify the probation officer of the order; and

987 (B) the order of detention pursuant to subsection (3) or order of pretrial release subject to  
988 conditions pursuant to subsection (2) shall be recorded in the defendant's criminal record as compiled by  
989 the commissioner of probation pursuant to section 100.

990 SECTION 46. Section 58B of said chapter 276, as so appearing, is hereby amended by striking  
991 out, in line 2, the words 'section 58 or section 58A' and inserting in place there of the following words:-  
992 section 42A, 58, or 58A.

993 SECTION 47. The executive office of public safety and security shall, in consultation with the  
994 court administrator, adopt rules and regulations for: (i) the standardization and dissemination to the

995 district attorney, assistant district attorney, defense counsel and presiding justice, of an individual's  
996 criminal and civil court history, which shall include, at a minimum, (1) a record of a dangerousness  
997 hearing pursuant to section 58A of chapter 276 of the General Laws, whether or not a dangerousness  
998 determination was made; (2) pretrial detention or release conditions as agreed to pursuant to said section  
999 58A of said chapter 276; (3) all temporary or permanent restraining orders and affidavits issued pursuant  
1000 to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section  
1001 15 of chapter 209C of the General Laws; (4) any violation of such temporary or permanent restraining  
1002 orders; (5) a misdemeanor or felony involving abuse, as defined in section 1 of said chapter 209A; (6) any  
1003 written findings of fact issued pursuant to sections 42A, 56A, 57, 58 and 58A of said chapter 276; (7) any  
1004 records concerning persons on probation maintained by the commissioner of probation pursuant to section  
1005 100 of said chapter 276, including any out-of-state criminal record; and (8) any other information  
1006 maintained in and disseminated in accordance with the statewide domestic violence record keeping  
1007 system maintained by the commissioner of probation; and (ii) updating the collection, storage, access,  
1008 dissemination, content and use of criminal offender record information to reflect the inclusion of  
1009 dangerousness hearing information pursuant to subsection (8) of said section 58A of said chapter 276.

1010 SECTION 48. The chief administrator of the trial court department, in conjunction with the  
1011 commissioner of probation, the Massachusetts office for victim assistance, the colonel of state police,  
1012 Jane Doe, Inc., and local community-based domestic violence, rape, and sexual assault service providers  
1013 selected by Jane Doe, Inc., shall develop and implement, subject to appropriation, a program for the  
1014 dissemination of information on domestic violence and sexual violence prevention services available  
1015 within each county to: (i) individuals filing a complaint pursuant to sections 3, 4 or 5 of chapter 209A of  
1016 the General Laws; (ii) parties subject to an order issued pursuant to section 18 or 34B of chapter 208,  
1017 section 32 of chapter 209 of the General Laws, said chapter 209A or section 15 of chapter 209C of the  
1018 General Laws; (iii) persons held under arrest for an offense set forth in subsection (1) of section 58A  
1019 chapter 276 of the General Laws, which involves abuse, as defined in section 1 of said chapter 209A; and  
1020 (iv) any other similarly situated individual accessing a court within that county.

1021 SECTION 49. The department of elementary and secondary education shall develop and produce  
1022 educational materials on domestic violence, teen dating violence, and healthy relationships, which shall  
1023 be distributed annually to students in grades 9 to 12, inclusive. Such educational materials shall be  
1024 utilized as part of the required health curriculum on safe and healthy relationships required by section 1 of  
1025 chapter 71 of the General Laws.

1026 SECTION 50. School districts or charter schools may provide teen dating violence prevention  
1027 education as part of the health education program it provides to students in grades five through twelve.  
1028 Each school district or charter school may establish a curriculum or materials to address this issue, which  
1029 may be used by school districts. School districts and charter schools may use school personnel or outside  
1030 consultants for the education.

1031 School districts and charter schools may establish and implement an age-appropriate curriculum  
1032 to educate students about domestic violence. A domestic violence curriculum may contain components to  
1033 raise awareness, promote healthy behaviors in relationships, allow students to identify behaviors  
1034 associated with an abuser. A curriculum may also contain an emphasis on the primary prevention of  
1035 violence perpetration.

1036 A curriculum may also address the risk factors for perpetration of domestic violence and contain  
1037 information about behavior that may occur with domestic violence. In addition, it may advise students  
1038 about the physical and mental injuries that may occur. A curriculum may include information about how  
1039 victims may seek assistance or how friends or families of victims may assist them.

1040 A school district or charter school may cooperate with other governmental, nonprofit, or private  
1041 entities, to develop a curriculum.

1042 SECTION 51. Any funds remaining in the Domestic Violence Prevention and Victim Assistance  
1043 Fund established pursuant to said section 14 of chapter 258B of the General Laws shall be transferred to  
1044 the General Fund on or before June 30, 2017.

1045 SECTION 52. The department of elementary and secondary education shall develop a pilot  
1046 instructional initiative, to be administered by the Katie Brown Educational Program, Inc. The program  
1047 shall consist of professional development workshops throughout the school year, for the purposes of  
1048 informing and educating those in attendance about the problems and challenges of relationship violence in  
1049 their schools, and use the venue as an opportunity to begin to address the issues and teach safe and  
1050 healthy alternatives to violence in their schools.

1051 SECTION 53. Sections 19 to 25, inclusive, shall take effect on July 1, 2014.

1052 SECTION 54. Sections 1, 5, 8 and 17 shall take effect on January 1, 2015.

1053 SECTION 55. Section 26 shall take effect on June 30, 2017.

1054 SECTION 56. There is hereby established a special commission for the purposes of examining  
1055 the housing and shelter options available to victims of domestic violence and exploring various options  
1056 for expanding such resources through legislation. As a part of its study, the commission shall examine  
1057 the feasibility and costs associated with establishing a tax incentive to be available to hotels and motels  
1058 offering free rooms to victims of domestic violence, and the possibility of creating a database of  
1059 participating hotels and motels through the Massachusetts office of victim assistance which would be  
1060 made available only to victim advocacy groups that directly assist domestic violence victims in obtaining  
1061 housing. The commission shall consist of the executive director of the Massachusetts office of victim  
1062 assistance or designee, who shall serve as chair; the secretary of public safety and security or a designee;  
1063 the secretary of housing and community development or a designee; the commissioner of the department  
1064 of public health or a designee; one member of the senate, appointed by the senate president; one member  
1065 of the senate, appointed by the senate minority leader; one member of the house of representatives,  
1066 appointed by the speaker of the house; one member of the house of representatives, appointed by the  
1067 house minority leader; the president of the Massachusetts District Attorneys Association or designee; the  
1068 commissioner of revenue, or a designee; a representative of the Massachusetts Lodging Association;  
1069 three members of victim advocacy groups, appointed by the governor. The commission shall submit its  
1070 report and findings, along with any draft of legislation, to the house and senate committees on ways and  
1071 means, the joint committee on the judiciary, and the clerks of the house of representatives and the senate  
1072 on or before December 31, 2014.

1073 SECTION 57. The executive office of public safety and security, in conjunction with the district  
1074 attorneys, shall develop a report to be sent to the clerks of the house and senate, the house and senate

1075 committees on ways and means, the joint committee on public safety and homeland security, and the joint  
1076 committee on the judiciary. The report shall contain, but not be limited to, comprehensive information  
1077 and statistics related to domestic violence crimes and arrests and prosecutions of domestic violence  
1078 related offenses, including dangerousness hearings, to serve as an examination of the effectiveness of the  
1079 commonwealth's domestic violence laws. The report shall include data collection following the  
1080 implementation of this act, and be issued no later than July 31, 2015.

1081 SECTION 58. Section 25 of chapter 279 of the General Laws, as appearing in the 2012 Official  
1082 Edition, is hereby amended by inserting after the words 'section 15A', the following:- subsection (c) of  
1083 section 15D."; by inserting before the enacting clause the following emergency preamble:

1084 "*Whereas*, the deferred operation of this act would tend to defeat its purpose which is to establish  
1085 forthwith certain provisions against domestic violence, therefore it is hereby declared to be an emergency  
1086 law, necessary for the immediate preservation of the public safety."; and by striking out the title and  
1087 inserting in place thereof the following title: "An Act relative to domestic violence."