

HOUSE No. 3297

The Commonwealth of Massachusetts

PRESENTED BY:

Susan Williams Gifford

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to violent protection order violations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/16/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/28/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/1/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/28/2019</i>

HOUSE No. 3297

By Ms. Gifford of Wareham, a petition (accompanied by bill, House, No. 3297) of Susan Williams Gifford and others relative to violent protection orders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 736 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to violent protection order violations.

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

1 SECTION 1. Chapter 209A of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by inserting adding the following section:-

3 Section 12. The executive office of public safety and security shall develop and provide
4 materials to successful plaintiffs of protection orders granted pursuant to this chapter. The
5 materials shall include, but shall not be limited to, a description and information regarding the
6 following: (1) types of defense that are lawful within the commonwealth, whether lethal or less
7 than lethal; (2) licenses or permits required for various means of defense; (3) where and how to
8 obtain various tools for defense; (4) types and opportunities of training available; (5) situational
9 awareness; and (6) when and how to notify authorities about potential protection order violations
10 or threats.

11 SECTION 2. Chapter 278 of the General Laws is hereby amended by inserting after
12 section 8A the following section:-

13 Section 8B. It shall be an act of lawful defense if a person, who is the plaintiff of a
14 protection order pursuant chapter 209A has in any place they have a right to be, used deadly
15 force, or less than deadly force, against a recipient of said order if said plaintiff acted in the
16 reasonable belief that an assailant was about to inflict great bodily injury or death upon
17 themselves or upon another person who also had a right to be in the place; provided, that there
18 shall be no duty on said plaintiff to retreat from any place that they have a right to be. An act of
19 lawful defense as outlined in this section shall not be cause for arrest or prosecution. Further, an
20 act of lawful defense pursuant to this section shall not be cause for the revocation of a license
21 issued pursuant to sections 122, 123, 129B, 131 or 131E of chapter 140.

22 No person who has committed an act of lawful defense as outlined in this section shall be
23 held liable in an action for damages for death or injuries to an assailant.