

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

1 by inserting at the following sections:-

2 "SECTION XX. Notwithstanding any general or special law to the contrary, there shall  
3 be established a special commission to study the Commonwealth's response to and resources for  
4 victims of domestic violence and sexual assault.

5 (a) The commission shall be comprised of the following members: the commissioner of  
6 probation; the director of the juvenile court probation department; the director of the probate and  
7 family court probation department; the director of the office of community corrections; the  
8 director of the electronic monitoring center; the executive director of the governor's council to  
9 address sexual assault and domestic violence; an assistant attorney general to be appointed by the  
10 attorney general; the secretary of the executive office of public safety and security; the director  
11 of the Massachusetts office for victim assistance; two SAFEPLAN advocates to be appointed by  
12 the director of the Massachusetts office for victim assistance; the director of Jane Doe Inc. of  
13 Boston; the director of New Hope, Inc. of Attleboro; the director of the South Shore Resource  
14 and Advocacy Center; the director of the Massachusetts intimate partner abuse education  
15 program; a law enforcement officer with experience in domestic violence and sexual assault  
16 cases to be appointed by the governor; the head of the domestic violence unit within the Boston

17 police department; and two survivors of domestic abuse to be appointed by the governor. The  
18 board shall be chaired by the director of the Massachusetts office for victim assistance. Each  
19 such member may appoint a designee to serve in the member's place.

20 (b) The commission shall analyze current resource offerings to victims of domestic  
21 violence and sexual assault; study the efficiency of state departments in maintaining victim  
22 safety, including but not limited to probation departments; consider ways to provide robust  
23 opportunities for victim and community engagement, ongoing analysis, and oversight of  
24 probation department policies, practices, and procedures; analyze income-based privileges and  
25 disadvantages for victims in participating with probation proceedings; consider ways to ensure  
26 that victims are part of the probation process while holding offenders accountable and  
27 simultaneously reducing the rates of recidivism; analyze probation violation reporting advisories  
28 and other written resources and whether they are helpful, understandable, and effective for  
29 victims; and determine the feasibility of a complaint communication tool for victims to report  
30 probation officer misconduct.

31 (c) The first meeting of the commission shall take place no later than December 1, 2021  
32 and shall be organized by the director of the Massachusetts office for victim assistance.

33 (d) The commission shall produce a report of their findings and analysis along with any  
34 recommendations for legislation to the Clerks of the House and Senate and the chairs of the Joint  
35 Committee on the Judiciary no later than December 1, 2023.

36 SECTION XX. Chapter 276 of the general laws, as so appearing, is hereby amended by  
37 inserting the following new section:-

38 “Section 99C. Domestic violence and sexual assault probation unit

39           There shall be established in the superior court department, the Boston municipal court  
40 department, and divisions of the probate and family and district court departments a domestic  
41 violence and sexual assault probation unit within the court’s probation department. For the  
42 purposes of this section, the word “victim” shall mean a complainant that has filed a complaint  
43 under chapter 209A. For the purposes of this section, the word “unit” shall mean the domestic  
44 violence and sexual assault probation unit. The unit shall consist of:

45           (a) a domestic violence and sexual assault victim advocate who shall be stationed in the  
46 probation department and employed by an external non-profit organization whose mission  
47 includes but is not limited to advocating for victims of domestic violence and sexual assault by  
48 way of prevention and intervention services, receiving and handling victim complaints against  
49 probation officers, raising public awareness, and promoting safety and justice. The victim  
50 advocate shall act as the primary liaison between a victim that has filed a complaint and  
51 probation officers assigned to the victim’s open case. The victim advocate shall notify victims of  
52 any scheduled proceedings pursuant to the victim’s complaint, their rights in the probation  
53 process as established in the Victims Bill of Rights in Section 3 of Chapter 258B of the General  
54 Laws, as amended by this act, as well as the contact information of the probation officer assigned  
55 to the respondent of the victim’s complaint. The victim advocate shall interact with certified  
56 batterer’s treatment programs if the respondent is so enrolled to obtain current information to  
57 provide associated probation officers. The victim advocate shall compile and maintain pertinent  
58 information as to the victim and their complaint, including but not limited to victim contact with  
59 release risk assessments, police reports relating to arrests and non-arrests, board of probation  
60 record, the interstate identification index, restraining orders and affidavits, victim statements,

61 medical reports and photographs evidencing injury, and reports from certified batterer's  
62 treatment programs.

63 (b) probation officers as established in section 83 of chapter 276 of the general laws who  
64 shall exclusively be assigned to cases and complaints involving domestic violence and sexual  
65 assault. Probation officers within the unit shall be assigned to an offender or respondent to a  
66 domestic violence or sexual assault case or complaint. The probation officer that is assigned to  
67 an offender or respondent shall continue to serve the same client if they are found to have re-  
68 offended or committed the same offense against the original victim or a new victim. Probation  
69 officers within the unit, in addition to the training and education set forth in section 85 of said  
70 chapter 276, shall attend a training course on domestic violence and sexual assault and  
71 interacting with offenders. Said training course shall be designed and certified by the Governor's  
72 council to address sexual assault and domestic violence in collaboration with any affiliate non-  
73 profit organizations. If a probation officer's assigned respondent or offender enrolls in a certified  
74 batterer's treatment program and is found to be non-compliant with the requirements of the  
75 program, the probation officer shall surrender the assigned respondent or offender. During  
76 hearings and proceedings, probation officers shall disclose to the judge all material relative to the  
77 respondent's conduct including but not limited to any contact with the victim, global positioning  
78 satellite tracking device maintenance, or violations of conditions of release.

79 SECTION XX. Chapter 276 of the general laws is hereby further amended in section 58A  
80 subsection (2) by inserting a new subparagraph after subparagraph (2)(B):-

81 "(C) subject to the condition that the person maintain or commence a certified batterers'  
82 treatment program in the case of a violation of an order pursuant to section 3, 4 or 5 of chapter

83 209 A, or a misdemeanor or felony involving abuse as defined in section 1 of said chapter 209A  
84 or of a violation of an order of protection issued under said chapter 209A in effect”

85 SECTION XX. Chapter 209A of the general laws, as so appearing, is hereby amended in  
86 section 1 by striking the definition of “Abuse” and replacing it with the following:-

87 "Abuse", the occurrence of one or more of the following acts between family, intimate  
88 partners, or household members:

89 (a) attempting to cause or causing physical harm;

90 (b) placing another in fear of imminent serious physical harm;

91 (c) causing another to engage involuntarily in sexual relations by force, threat or duress;

92 (d) coercive control, which is a pattern of behavior that in purpose or effect unreasonably  
93 interferes with a person’s free will and personal liberty. Examples of coercive control include,  
94 but are not limited to, unreasonably engaging in any of the following:

95 (1) isolating the other party from friends, relatives, or other sources of support;

96 (2) depriving the other party of basic necessities;

97 (3) controlling, regulating, or monitoring the other party’s movements, communications,  
98 daily behavior, finances, economic resources, or access to services;

99 (4) compelling the other party by force, threat of force, or intimidation, including threats  
100 based on actual or suspected immigration status, to engage in conduct from which the other party  
101 has a right to abstain or to abstain from conduct in which the other party has a right to engage.

102 SECTION XX. Chapter 209A of the general laws is hereby further amended in section 3  
103 in subsection (i) by inserting at the end of the third paragraph the following:-

104 “When reviewing a request to extend or renew an order, the court shall take into account  
105 sobriety and substance use recovery, based on independent medical standards, if substance use  
106 was a factor in issuing the original order. A lack of sobriety or continuing existence of substance  
107 use shall weigh in favor of extending or renewing the order.”

108 SECTION XX. Chapter 209A of the general laws is hereby further amended in section 7  
109 in the fifth paragraph by striking out the first sentence and inserting in place thereof the  
110 following:-

111 “Any violation of such order or a protection order issued by another jurisdiction shall be  
112 punishable by a fine of not more than ten thousand dollars, or by imprisonment for not more than  
113 five years in a house of correction, or by both such fine and imprisonment.”

114 SECTION XX. Chapter 209A is hereby further amended in section 7 by inserting after  
115 the word “compliance” at the end of the sixth paragraph the following sentence:-

116 “A defendant will not be relieved of his requirement to regularly attend a certified or  
117 provisionally certified batterer’s treatment program until said program can confirm in signed  
118 writing with the probation department that the defendant has shown marked improvements and  
119 has reached a level of understanding and reform that would deem them a non-threat to women. If  
120 the defendant is arrested or investigated by the police in connection with reports of domestic  
121 violence or sexual assault while enrolled with a certified batterer’s treatment program, said  
122 program shall be apprised of the arrest or investigation by the defendant’s probation officer.”

123 SECTION XX. Chapter 209A is hereby further amended in section 7 by inserting after  
124 the word “system” at the end of eighth paragraph the following new paragraph:-

125 “The removal or destroying of said global positioning satellite tracking device without  
126 judicial approval or without a showing of necessity to prevent greater harm shall constitute a  
127 felony with a mandatory minimum sentence of 2 years in a state prison.”

128 SECTION XX. Chapter 209A is hereby amended in section 9 by adding at the end the  
129 following:-

130 “The form of complaint shall be supplied without withholding to any person who  
131 requests said form and shall be made easily accessible to the public by the offices promulgating  
132 said form.”

133 SECTION XX. The administrative justices of the superior court, probate and family  
134 court, district court, and the Boston municipal court departments shall jointly promulgate a new  
135 form of complaint for use under Chapter 209A of the general laws pursuant to this act which  
136 shall include but not be limited to the following additional fields:

137 (1) a field wherein a petitioner may indicate whether they have reasonable cause to be in  
138 fear of their life at the time of the complaint form’s submission;

139 (2) a field wherein a petitioner may indicate whether they are a victim of coercive  
140 control, a form of abuse as provided in section 4 of this act.

141 SECTION XX. The office of public safety and security shall establish, advertise, and  
142 maintain a toll-free telephone hotline that shall be capable of responding to and forwarding  
143 complaints including but not limited to instances of domestic violence and violations of

144 probation to ensure full and immediate safety of the complainant. For the purposes of this  
145 section, “domestic violence” shall have the same meaning as “abuse” as defined in Section 1 of  
146 Chapter 209A and as amended by this act.

147 SECTION XX. Chapter 258B of the general laws, as so appearing, is hereby amended in  
148 section 3 in paragraph (b) by adding at the end the following:-

149 “If the respondent or offender has obtained approval to reschedule a hearing or  
150 proceeding, the court shall postpone the commencement of the proceeding if the victim is not  
151 present and if they have received communication that the victim is in transit to the proceeding,  
152 provided that the court may begin the proceeding within one hour of learning that the victim is in  
153 transit. The court may within its discretion postpone the proceeding for any amount of time to  
154 allow the victim to be present. If the victim cannot be present for a hearing or proceeding that  
155 was rescheduled by the respondent, the court may allow the victim advocate probation officer to  
156 offer remarks on behalf of the victim.”

157 SECTION XX. Chapter 258B is hereby further amended in section 3 in paragraph (g) by  
158 inserting after the word “recommendation”, the second time it appears, the following:-

159 “The prosecutor shall provide ample time to confer with the victim to fully explain the  
160 position and answer questions or address concerns.”

161 SECTION XX. Chapter 258B is hereby further amended in section 3 in paragraph (p) by  
162 adding at the end the following:-

163 “The court has the discretion to allow a victim to make a statement at any time during the  
164 proceeding prior to sentencing. The court shall allow a victim of domestic violence abuse as



165 defined in Section 1 of Chapter 209A to make a brief statement at a hearing or proceeding prior  
166 to sentencing in response to a statement by the defendant or his attorney regarding a violation of  
167 a protective order, a violation of a condition of release, improper tampering with a global  
168 positioning satellite tracking device system, or failure to disclose relevant information on such  
169 matters. A judge may allow the victim or victim advocate probation officer to stipulate facts  
170 provided by the respondent;”

171 SECTION XX. Chapter 258B is hereby further amended in section 3 by adding the  
172 following new subparagraph:-

173 “(x) In the event of a necessitated change in prosecutors assigned to the victim’s case, the  
174 victim shall have the right to confer with the new prosecutor for a minimum of one hour to  
175 discuss the facts of the case and familiarize the victim with the prosecutor.”

176 SECTION XX. Sections XX through XX shall go into effect immediately upon the  
177 passage of this act."