

SENATE No. 939

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 improving protections for sexual assault survivors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/5/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/18/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>4/27/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>10/28/2021</i>

SENATE No. 939

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 939) of Harriette L. Chandler, Tram T. Nguyen, Natalie M. Higgins, Jason M. Lewis and others for legislation to improve protections for sexual assault survivors. The Judiciary.

The Commonwealth of Massachusetts

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

An Act improving protections for sexual assault survivors.

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. Subsection (ii)(B) of the third paragraph of section 1 of chapter 258E of the
2 General Laws (entitled “Harassment”), is hereby amended by inserting after the word “43A” the
3 following words: - “or 50”.

4 SECTION 2. Section 3 of Chapter 258E of the General Laws is hereby amended by
5 striking out subsection (a), and inserting in place thereof the following subsection: -

6 (a) A person suffering from harassment may file a complaint in the appropriate court
7 requesting protection from such harassment. A person may petition the court under this chapter
8 for an order including but not limited to the following: that the defendant:

9 (i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult
10 or minor;

11 (ii) refrain from contacting the plaintiff, unless authorized by the court, whether the
12 defendant is an adult or minor;

13 (iii) remain away from the plaintiff's household or workplace, whether the defendant
14 is an adult or minor;

15 (iv) remain away from plaintiff if complaints is based on an act or acts that: (A) by
16 force, threat or duress causes another to involuntarily engage in sexual relations; or (B)
17 constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43, or 43A, 50 of
18 chapter 265 or section 3 of chapter 272

19 (v) pay the plaintiff monetary compensation for the losses suffered as a direct result
20 of the harassment; provided, however, that compensatory damages shall include, but shall not be
21 limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost
22 of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and
23 reasonable attorney's fees.

24 SECTION 3. Chapter 258E of the General Laws is hereby amended by inserting after
25 section 4 of chapter 258E the following sections: -

26 Section 4A. Order for suspension and surrender of firearms license; surrender of
27 firearms; petition for review; hearing

28 Upon issuance of a temporary or emergency order under section five of this chapter, the
29 court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse,
30 order the immediate suspension and surrender of any license to carry firearms and or firearms
31 identification card which the defendant may hold and order the defendant to surrender all

32 firearms, rifles, shotguns, machine guns and ammunition which the defendant then controls,
33 owns or possesses in accordance with the provisions of this chapter and any license to carry
34 firearms or firearms identification cards which the defendant may hold shall be surrendered to
35 the appropriate law enforcement officials in accordance with the provisions of this chapter and,
36 said law enforcement official may store, transfer or otherwise dispose of any such weapon in
37 accordance with the provisions of section 129D of chapter 140; provided however, that nothing
38 herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other
39 than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the
40 copy of abuse prevention order served on the defendant pursuant to section seven. Law
41 enforcement officials, upon the service of said orders, shall immediately take possession of all
42 firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any
43 firearms identification cards in the control, ownership, or possession of said defendant. Any
44 violation of such orders shall be punishable by a fine of not more than five thousand dollars, or
45 by imprisonment for not more than two and one-half years in a house of correction, or by both
46 such fine and imprisonment.

47 Any defendant aggrieved by an order of surrender or suspension as described in the first
48 sentence of this section may petition the court which issued such suspension or surrender order
49 for a review of such action and such petition shall be heard no later than ten court business days
50 after the receipt of the notice of the petition by the court. If said license to carry firearms or
51 firearms identification card has been suspended upon the issuance of an order issued pursuant to
52 section five or six, said petition may be heard contemporaneously with the hearing specified in
53 the second sentence of the second paragraph of section five. Upon the filing of an affidavit by the
54 defendant that a firearm, rifle, shotgun, machine gun or ammunition is required in the

55 performance of the defendant's employment, and upon a request for an expedited hearing, the
56 court shall order said hearing within two business days of receipt of such affidavit and request
57 but only on the issue of surrender and suspension pursuant to this section.

58 Section 4B: Continuation or modification of order for surrender or suspension

59 Upon the continuation or modification of an order issued pursuant to section 4A or upon
60 petition for review as described in section 4A, the court shall also order or continue to order the
61 immediate suspension and surrender of a defendant's license to carry firearms and firearms
62 identification card and the surrender of all firearms, rifles, shotguns, machine guns or
63 ammunition which such defendant then controls, owns or possesses if the court makes a
64 determination that the return of such license to carry firearms and firearm identification card or
65 firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of abuse to the
66 plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long
67 as the restraining order to which it relates is in effect; and, any law enforcement official to whom
68 such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in
69 accordance with the provisions of section 129D of chapter 140; provided, however, that nothing
70 herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other
71 than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than
72 \$5,000 or by imprisonment for not more than two and one-half years in a house of correction or
73 by both such fine and imprisonment.

74 SECTION 4. Chapter 258E of the General Laws is hereby amended by adding after
75 section 12 the following section: -

76 Section 13. Possession, care and control of domesticated animal owned by persons
77 involved in certain protective orders; notice to law enforcement upon finding of imminent threat
78 to household member or animal

79 Section 13. (a) Whenever the court issues a temporary or permanent vacate, stay away,
80 restraining or no contact order or a judgment under section 18, 34B or 34C of chapter 208, or
81 under section 32 of chapter 209, or under section 3, 4 or 5 of this chapter, or under section 15 or
82 20 of chapter 209C, or under section 3 to 7, inclusive, of chapter 258E or a temporary restraining
83 order or preliminary or permanent injunction relative to a domestic relations, child custody,
84 domestic abuse or abuse prevention proceeding, the court may order the possession, care and
85 control of any domesticated animal owned, possessed, leased, kept or held by either party or a
86 minor child residing in the household to the plaintiff or petitioner. The court may order the
87 defendant to refrain from abusing, threatening, taking, interfering with, transferring,
88 encumbering, concealing, harming or otherwise disposing of such animal.

89 (b) A party to any proceeding listed in subsection (a) may petition the court for an order
90 authorized by said subsection (a).

91 (c) Whenever the court issues a warrant for a violation of a temporary or permanent
92 vacate, stay away, restraining or no contact order or a judgment issued under section 18, 34B or
93 34C of chapter 208, or under section 32 of chapter 209, or under section 3, 4 or 5 of this chapter,
94 or under section 15 or 20 of chapter 209C, or section 3 to 7, inclusive, of chapter 258E or
95 otherwise becomes aware that an outstanding warrant for such a violation has been issued against
96 a person before the court, the judge may make a finding, based upon the totality of the
97 circumstances, as to whether there exists an imminent threat of bodily injury to any party to such

98 judgment or the petitioner of any such protective order, a member of the petitioner's family or
99 household or to a domesticated animal belonging to the petitioner or to a member of the
100 petitioner's family or household. If the court makes a finding that such an imminent threat of
101 bodily injury to a person or domesticated animal exists, the court shall notify the appropriate law
102 enforcement officials of such finding and the law enforcement officials shall take all necessary
103 actions to execute any such outstanding warrant as soon as is practicable.