

HOUSE No. 1492

The Commonwealth of Massachusetts

PRESENTED BY:

Carole A. Fiola

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 dangerousness offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/20/2023</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/30/2023</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/1/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>9/19/2023</i>

HOUSE No. 1492

By Representative Fiola of Fall River, a petition (accompanied by bill, House, No. 1492) of Carole A. Fiola, Alan Silvia and Paul A. Schmid, III relative to dangerousness offenses. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to dangerousness offenses.

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

1 Section 1. Section 58A of Chapter 276 of the General Laws is hereby amended by
2 striking out the first paragraph and inserting the following:-

3 Section 58A. (1) The commonwealth may move, based on dangerousness, for an order of
4 pretrial detention or release on conditions for:

5 (A) a violation of an order pursuant to section 18, 34B or 34C of chapter 208, section 32
6 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 or 20 of chapter 209C;

7 (B) a misdemeanor or felony involving abuse as defined in section 1 of chapter 209A;

8 (C) a violation of section 13B of chapter 268;

9 (D) a violation of section 1, 13, 13 ½, 13B, 13 B ¾, 13F, 13H, 14, 15, 15A, 15B, 15D,
10 15E, 15F, 16, 17, 18, 18A, 18B, 18C, 19, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26, 26B,

11 26C, 26D, 37, 43, 50, 51 or 52 of chapter 265 or a violation of section 13D of said chapter 265 in
12 which the public employee is a police officer;

13 (E) a violation of section 2, 4A, 4B, 16, 29A, 29B, 77C or a subsequent offense of
14 section 29C, of chapter 272;

15 (F) a violation of section 24G of chapter 90 which occurs under the influence of alcohol
16 or drugs, or a violation of section 8B of chapter 90B; or a third or subsequent violation of section
17 24 of chapter 90 or section 8 of chapter 90B;

18 (G) an offense for which a mandatory minimum term of 3 years or more is prescribed in
19 chapter 94C;

20 (H) any violation of sections 1, 2, 14, 15, 16, 18, 102 or 102A of chapter 266;

21 (I) a violation of subsection (a), (c), (d), or (m) of section 10 of chapter 269, provided,
22 however, that the commonwealth may not move for an order of detention under this section
23 based on possession of a large capacity feeding device without simultaneous possession of a
24 large capacity weapon; or arrested and charged with a violation of section 10G of said chapter
25 269;

26 (J) a violation of section 10G, or 14 of chapter 269; or

27 (K) conspiracy or solicitation to commit any of the above enumerated crimes.

28 Section 2. Section 58A of Chapter 276 is hereby amended by striking out the third
29 paragraph and inserting the following:-

30 If, after a hearing pursuant to the provisions of subsection (4), the district or superior
31 court justice finds by clear and convincing evidence that no conditions of release will reasonably
32 assure the safety of any other person or the community, said justice shall order the detention of
33 the person prior to trial. A person detained under this subsection shall be brought to a trial as
34 soon as reasonably possible. The person held under the provisions of this section, shall remain
35 held until the disposition of the case consistent with Massachusetts Rules of Criminal Procedure
36 Rule 36(b)(2). A justice may not impose a financial condition under this section that results in
37 the pretrial detention of the person. Nothing in this section shall be interpreted as limiting the
38 imposition of a financial condition upon the person to reasonably assure his appearance before
39 the courts.