HOUSE DOCKET, NO. 1320 FILED ON: 1/18/2023

HOUSE . . . . . No. 1776

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan-Almeida

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 protecting domestic violence victims.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Alyson M. Sullivan-Almeida	*7th Plymouth*	*1/18/2023*
Colleen M. Garry	*36th Middlesex*	*1/18/2023*
Michael J. Soter	*8th Worcester*	*1/26/2023*
Joseph D. McKenna	*18th Worcester*	*1/31/2023*
David F. DeCoste	*5th Plymouth*	*2/9/2023*
Donald R. Berthiaume, Jr.	*5th Worcester*	*2/15/2023*
Steven George Xiarhos	*5th Barnstable*	*2/18/2023*

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HOUSE . . . . . No. 1776

By Representative Sullivan-Almeida of Abington, a petition (accompanied by bill, House, No. 1776) of Alyson M. Sullivan-Almeida and others relative to protecting domestic violence victims. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1882* OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to protecting domestic violence victims.

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

SECTION 1. Section 18C of Chapter 265 of the Massachusetts General Laws is hereby amended by deleting the section in its entirety and replacing it with the following:-

(a) Whoever knowingly, in the day time or night time, breaks and enters a building, ship, vessel or vehicle or otherwise illegally enters into the dwelling place of another and discovers that one or more persons are present shall have an immediate duty to retreat. Any person or persons who have illegally entered under this section and have failed to retreat shall forfeit any rights to civil or criminal action against the legal occupants for any injuries incurred.

(b) Whoever knowingly, in the day time or night time, breaks and enters a building, ship, vessel or vehicle or otherwise illegally enters into the dwelling place of another where one

or more minors are present shall have an immediate duty to retreat. Any person or persons who have illegally entered under this section and have failed to retreat shall forfeit any rights to civil or criminal action against the legal occupants for any injuries incurred. Further, any person who is found guilty of illegally entering under this section where one or more minors are present shall be punished by imprisonment in the state prison for any term not less five years.

(c) Whoever, in the day time or night time, breaks and enters a building, ship, vessel or vehicle or otherwise enters into the dwelling place of another knowing or having reason to know that one or more persons are present within or knowingly enters the dwelling place of another and remains in such dwelling place knowing or having reason to know that one or more persons are present within while armed with a dangerous weapon, uses force or threatens the imminent use of force upon any person within such dwelling place whether or not injury occurs, or intentionally causes any injury to any person within such dwelling place shall be punished by imprisonment in the state prison for life or for any term of not less than twenty years.