

HOUSE No. 3788

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 domestic violence Kianna's Law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/19/2023</i>
<i>Robert and April Barrows</i>	<i>49 Old Main Road</i>	<i>1/19/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>3/17/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>4/10/2023</i>
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>11/17/2023</i>

HOUSE No. 3788

By Representative Vieira of Falmouth, a petition (accompanied by bill, House, No. 3788) of David T. Vieira and others relative to providing notification to victims and family members of victims when notices of temporary restraining orders or other abuse prevention orders have been successfully served. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to domestic violence Kianna's Law.

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 3 of chapter 209A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in line 14, the words “time, not to exceed
3 one year”, and inserting in place thereof the following words:- 1 year.

4 SECTION 2. Said section 3 of said chapter 209A, as so appearing, is hereby further
5 amended by inserting after the words “one year.”, in line 104, the following sentence:- When a
6 court orders the defendant to refrain from abusing or contacting the plaintiff pursuant to clause
7 (a) or (b), the order shall be for a period of 1 year.

8 SECTION 3. Section 4 of said chapter 209A, as so appearing, is hereby amended by
9 inserting after the word “effect”, in line 18, the following words:- for 1 year.

10 SECTION 4. Said section 4 of said chapter 209A, as so appearing, is hereby further
11 amended by adding the following paragraph:-

12 The appropriate law enforcement agency responsible for notice to the defendant shall
13 notify the victim and, where appropriate, the victim’s family members when notice of a
14 temporary restraining order or other abuse prevention order: (i) has been successfully served; (ii)
15 has not been successfully served, and the effect of non-service on the restraining order’s validity;
16 or (iii) has expired or otherwise become ineffective.

17 SECTION 5. The second paragraph of section 7 of said chapter 209A, as so appearing, is
18 hereby amended by inserting after the first sentence the following sentence:- A court shall
19 authorize both options of: service in hand to the defendant or service at the defendant’s last and
20 usual address.

21 SECTION 6. Said section 7 of said chapter 209A, as so appearing, is hereby further
22 amended by inserting after the second paragraph the following paragraph:-

23 When service to a defendant is required pursuant to this section, the appropriate law
24 enforcement agency shall provide the defendant’s information and the notice materials to the
25 department of criminal justice information services, which shall forthwith enter the information
26 and notice in the public safety information system established in section 167A of chapter 6. Any
27 law enforcement officer, upon learning through the public safety information system of an
28 unserved order issued pursuant to this chapter, shall forthwith effect service upon a defendant.

29 SECTION 7. Section 3 of chapter 258B of the General Laws, as so appearing, is hereby
30 amended by inserting after clause (w) the following clause:-

31 (x) for victims, family members and witnesses, the right to be notified by the local law
32 enforcement agency when notice of a temporary restraining order or other abuse prevention
33 order: (1) has been successfully served; (2) has not been successfully served, and the effect of

34 non-service on the restraining order's validity; or (3) has expired or otherwise become
35 ineffective.

36 SECTION 8. The victim and witness assistance board, established in section 4 of chapter
37 258B of the General Laws, shall conduct a survey of the victim and witness assistance services
38 in local law enforcement agencies, courthouses and district attorney's offices. The board shall
39 review the program plans submitted by the district attorneys pursuant to section 6 of said chapter
40 258B, assess the effectiveness of the services provided to victims and witnesses and identify
41 areas in need of improvement. Not later than 1 year following the passage of this act, the board
42 shall submit a report on

43 its survey to the clerks of the house of representatives and the senate, the joint committee
44 on the judiciary and the joint committee on public safety and homeland security.

45 SECTION 9. This act shall be known as "Kianna's Law."