HOUSE DOCKET, NO. 857 FILED ON: 1/17/2023

HOUSE . . . . . No. 1527

The Commonwealth of Massachusetts

PRESENTED BY:

Susan Williams Gifford

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 violent protection order violations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Susan Williams Gifford	*2nd Plymouth*	*1/17/2023*
Joseph D. McKenna	*18th Worcester*	*1/31/2023*
Steven George Xiarhos	*5th Barnstable*	*2/18/2023*

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HOUSE . . . . . No. 1527

By Representative Gifford of Wareham, a petition (accompanied by bill, House, No. 1527) of Susan Williams Gifford, Joseph D. McKenna and Steven George Xiarhos relative to violent protection orders. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1608* OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to violent protection order violations.

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. Chapter 209A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting adding the following section:-

Section 12. The executive office of public safety and security shall develop and provide materials to successful plaintiffs of protection orders granted pursuant to this chapter. The materials shall include, but shall not be limited to, a description and information regarding the following: (1) types of defense that are lawful within the commonwealth, whether lethal or less than lethal; (2) licenses or permits required for various means of defense; (3) where and how to obtain various tools for defense; (4) types and opportunities of training available; (5) situational awareness; and (6) when and how to notify authorities about potential protection order violations or threats.

SECTION 2. Chapter 278 of the General Laws is hereby amended by inserting after section 8A the following section:-

Section 8B. It shall be an act of lawful defense if a person, who is the plaintiff of a protection order pursuant chapter 209A has in any place they have a right to be, used deadly force, or less than deadly force, against a recipient of said order if said plaintiff acted in the reasonable belief that an assailant was about to inflict great bodily injury or death upon themselves or upon another person who also had a right to be in the place; provided, that there shall be no duty on said plaintiff to retreat from any place that they have a right to be. An act of lawful defense as outlined in this section shall not be cause for arrest or prosecution. Further, an act of lawful defense pursuant to this section shall not be cause for the revocation of a license issued pursuant to sections 122, 123, 129B, 131 or 131E of chapter 140.

No person who has committed an act of lawful defense as outlined in this section shall be held liable in an action for damages for death or injuries to an assailant.