

HOUSE No. 4038

Text of amendments (offered by Mr. DeLeo of Winthrop and other members of the House), as changed by the House committee on Bills in the Third Reading, and as amended by the House, to the Senate Bill enhancing protection for victims of domestic violence (Senate, No. 1897). April 8, 2014.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

By striking out all after the enacting clause and inserting in place thereof the following:

1 “SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 116A, as
2 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

3 Section 116A. (a) The municipal police training committee shall establish within the recruit basic
4 training curriculum a course for regional and municipal police training schools for the training of law
5 enforcement officers in the commonwealth in the handling of domestic violence and sexual violence
6 complaints and also shall develop guidelines for law enforcement response to domestic violence and
7 sexual violence. The course of instruction and the guidelines shall stress enforcement of criminal laws in
8 domestic violence and sexual violence situations, availability of civil remedies and community resources
9 and protection of the victim. The course of instruction and guidelines shall also include specific training
10 on adolescent development, trauma, and family dynamics. Where appropriate, the training presenters shall
11 include domestic violence and sexual violence experts with expertise in the delivery of direct services to
12 victims of domestic violence and sexual violence, including utilizing the staff of community based
13 domestic violence, rape and sexual assault service providers and survivors of domestic violence, rape or
14 sexual assault in the presentation of the training.

15 As used in this section, ‘law enforcement officer’ shall mean any officer of a local police
16 department, the office of environmental law enforcement, the University of Massachusetts, and state
17 police. As used in this section, ‘victim’ shall mean any child or adult victim of such abuse, including elder
18 victims.

19 (b) The course of basic training for law enforcement officers shall include at least 8 hours of
20 instruction in the following procedures and techniques:

21 (1) the procedures and responsibilities set forth in chapter 209A relating to response to, and
22 enforcement of, court orders, including violations of orders issued pursuant to said chapter 209A;

23 (2) the service of said chapter 209A complaints and orders;

24 (3) verification and enforcement of temporary restraining and vacate orders when the suspect is
25 present or the suspect has fled;

26 (4) the legal duties imposed law enforcement officers to offer protection and assistance, including
27 guidelines for making felony and misdemeanor arrests, and for mandatory reporting of child and elder
28 abuse cases;

29 (5) techniques for handling domestic violence and sexual violence incidents that minimize
30 likelihood of injury to the law enforcement officer;

31 (6) techniques for handling domestic violence and sexual violence incidents that promote the
32 safety of the victim, including the importance of keeping the victim informed as to the whereabouts of the
33 suspect and other such information helpful for victim safety planning;

34 (7) the nature and extent of domestic violence, including the physiological and psychological
35 effects of the pattern of domestic violence and sexual violence on victims;

36 (8) the legal rights and the remedies available to victims of domestic violence and sexual
37 violence;

38 (9) documentation, report writing and evidence collection, which shall include methods for
39 assessing the degree of risk of homicide involved in situations of domestic violence, including, but not
40 limited to, gathering information from the victim regarding the suspect's past reported and non-reported
41 behavior and dangerousness, such as: (i) whether the suspect has ever used a weapon against the victim or
42 threatened the victim with a weapon; (ii) whether the suspect owns a gun; (iii) whether the suspect's
43 physical violence against the victim has increased in severity or frequency; (iv) whether the suspect has
44 threatened to kill the victim; (v) whether the suspect has ever threatened or attempted suicide; (vi)
45 whether the suspect has used or threatened physical violence against the victim's family, other household
46 members or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the suspect abuses alcohol;
47 and (ix) whether there have been specific instances of strangulation or suffocation of the victim by the
48 suspect;

49 (10) tenancy and custody issues, including those of married and unmarried couples;

50 (11) the impact of law enforcement intervention on children in domestic violence and sexual
51 violence situations;

52 (12) the services and facilities available to victims of abuse, including the victim's compensation
53 programs, emergency shelters and legal advocacy programs; and

54 (13) techniques for increasing cooperation and immediate data sharing among different areas of
55 law enforcement in combating domestic violence and sexual violence.

56 (c) All law enforcement recruits shall receive the course of basic training for law enforcement
57 officers, established in subsections (a) and (b), as part of their required certification process.

58 (d) The course of basic training for law enforcement officers shall be taught as part of the crisis
59 intervention and conflict resolution components of the recruit academy training, so that there will not be
60 an increase in the currently required 480 hours of recruit training curriculum.

61 (e) The course of instruction, the learning and performance objectives, the standards for training
62 and the guidelines shall be developed by the municipal police training committee in consultation with
63 appropriate groups and individuals having an interest and expertise in the fields of domestic violence and
64 sexual violence.

65 (f) The municipal police training committee shall periodically include within its in-service
66 training curriculum a course of instruction on handling domestic violence complaints consistent with the
67 provisions of paragraphs (1) through (13) of subsection (b).

68 SECTION 2. Section 167 of said chapter 6 is hereby amended by inserting after the word ‘non-
69 convictions’, in line 5 , as so appearing, the following words:- , previous and pending hearings conducted
70 pursuant to section 58A of chapter 276, including requests of such hearings, transfers by the court,
71 disposition of such requests, findings and orders, regardless of the determination.

72 SECTION 3. Said section 167 of said chapter 6 is hereby further amended by inserting after the
73 word ‘proceedings’, in line 23, as so appearing, the following words:- , previous and pending hearings
74 conducted pursuant to section 58A of chapter 276, including requests of such hearings, transfers by the
75 court, disposition of such requests, findings and orders, regardless of the determination.

76 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after section 18M,
77 inserted by section 18 of chapter 38 of the acts of 2013, the following section:-

78 Section 18N. (a) As used in this subsection, the following words shall have the following
79 meanings:-

80 ‘Domestic violence’, the abuse of a family or household member, as such terms are defined in
81 section 1 of chapter 209A.

82 ‘Fatality’, any death resulting from an incident of domestic violence or attempted domestic
83 violence, including the death of an individual who was not a family or household member of the
84 perpetrator.

85 ‘Local review team’, a local domestic violence fatality review team established pursuant to
86 subsection (c).

87 ‘State review team’, the state domestic violence fatality review team established pursuant to
88 subsection (b).

89 ‘Team’, either the local review team or the state review team.

90 (b) There shall be a state domestic violence fatality review team within the executive office of
91 public safety and security. Members of the state review team shall be subject to criminal offender record
92 checks to be conducted by the colonel of the state police. All members shall serve without compensation

93 for their duties associated with membership on the state review team. All members shall be immune from
94 any liability resulting from the execution of their duties.

95 The state review team shall consist of the following 9 members:- the secretary of public safety
96 and security or a designee employed by the executive office of public safety, who shall serve as chair; the
97 attorney general or a designee employed by the office of the attorney general; the chief medical examiner
98 or a designee employed by the office of the chief medical examiner; a member selected by the
99 Massachusetts District Attorneys Association; the colonel of the state police or a designee employed by
100 the department of state police; the commissioner of probation or a designee employed by the office of
101 probation; 2 justices of the trial court, 1 of whom shall be the chief justice of the trial court or a designee,
102 and the other of whom shall be selected by the chief justice; and a member selected by the Massachusetts
103 office of victim assistance, who shall be employed by the office.

104 The purpose of the state team shall be to decrease the incidence of preventable domestic violence
105 fatalities by: (i) developing an understanding of the causes and incidence of domestic violence fatalities
106 and the circumstances surrounding them; and (ii) advising the governor and the general court by
107 recommending changes in law, policy and practice designed to prevent domestic violence fatalities.

108 To achieve its purpose, the state review team shall:

- 109 (1) develop model investigative and data collection protocols for local review teams;
- 110 (2) annually review incidents of fatalities within the commonwealth and assign at least 3
111 fatalities, selected at random, to a local review team for investigation and report; provided, that a fatality
112 may be assigned only upon the majority vote of the state review team, and only in the event that any
113 criminal proceeding relative to the fatality is complete, with all appeals exhausted;
- 114 (3) provide information to local review teams, law enforcement agencies and domestic
115 violence service providers for the purpose of protecting victims of domestic violence;
- 116 (4) provide training and written materials to local review teams to assist them in carrying out
117 their duties;
- 118 (5) review reports from local review teams;
- 119 (6) analyze community, public and private agency involvement with victims of domestic
120 violence and their families prior to and subsequent to fatalities;
- 121 (7) develop a protocol for the collection of data regarding fatalities and provide training to
122 local review teams on the protocol, which shall include protocol and training on the issues of
123 confidentiality of records, victims' identities, and any personally identifying data;
- 124 (8) develop and implement rules and procedures necessary for its own operation and the
125 operation of local review teams, which shall include the use of confidentiality agreements for both the
126 state and local review teams; and
- 127 (9) provide the governor and the general court with annual written reports, subject to any
128 applicable confidentiality restrictions, which shall include, but not be limited to, the state team's findings
129 and recommendations, and which shall be filed with the clerks of the house of representatives and the
130 senate on or before July 31.

131 (c) There shall be a local domestic violence fatality review team in each of the 11 districts headed
132 by a district attorney. Members of a local review team shall be subject to criminal offender record checks
133 to be conducted by the district attorney. All members shall serve without compensation for their duties

134 associated with membership on a local review team. All members shall be immune from any liability
135 resulting from the execution of their duties.

136 Each local review team shall be chaired by the district attorney of the district, and shall be
137 comprised of at least the following members, who shall be appointed by the district attorney and who
138 shall reside or work within the district: a medical examiner or pathologist; a chief of police; a probation
139 officer; a member with experience providing non-profit legal services to victims of domestic violence; a
140 member with experience in the delivery of direct services to victims of domestic violence; and any other
141 person with expertise or information relevant to an individual case who may attend meetings on an ad hoc
142 basis, including, but not limited to, local or state law enforcement officers, local providers of social
143 services, providers of community based domestic violence, rape, and sexual assault shelter and support
144 services, hospital representatives, medical specialists or subspecialists, teachers, family or friends of a
145 victim, and persons recommended by the state review team.

146 The purpose of each local review team shall be to decrease the incidence of preventable domestic
147 violence fatalities by: (i) coordinating the collection of information on fatalities assigned to it for review;
148 (ii) promoting cooperation and coordination between agencies responding to fatalities and providing
149 services to victims or victims' family members; (iii) developing an understanding of the causes and
150 incidence of domestic violence fatalities within its area; and (iv) advising the state review team on
151 changes in law, policy or practice which may affect domestic violence fatalities.

152 To achieve its purpose, each local team shall, subject to assignment by the state review team:

153 (1) review, establish and implement model protocols from the state review team;

154 (2) execute a confidentiality agreement;

155 (3) review individual fatalities in accordance with the established protocol;

156 (4) meet periodically, but at least 2 times per calendar year, to review the status of assigned cases
157 and recommend methods of improving coordination of services between agencies and service providers in
158 its area;

159 (5) collect, maintain and provide confidential data as required by the state review team; and

160 (6) provide law enforcement or other agencies with information for the purposes of the protection
161 of victims of domestic violence.

162 (d) At the request of the local district attorney, the local review team shall be immediately
163 provided with:

164 (1) information and records relevant to the cause of the fatality or any party involved with the
165 fatality maintained by providers of medical or other care, treatment or services, including dental and
166 mental health care;

167 (2) information and records relevant to the cause of the fatality or any party involved with the
168 fatality maintained by any state, county or local government agency including, but not limited to, birth
169 certificates, medical examiner investigative data, all incident reports, parole and probation information

170 records, and law enforcement data post-disposition, provided that certain law enforcement records may be
171 exempted by the local district attorney;

172 (3) information and records of any provider of social services, including the department of
173 children and families and non-profit agencies, related to the victim or victim's family or any party
174 involved with the fatality that the local team deems relevant to the review; and

175 (4) demographic information relevant to the victim and the victim's immediate family or any
176 party involved with the fatality, including, but not limited to, address, age, race, gender and economic
177 status.

178 The district attorney may enforce this subsection by seeking an order of the superior court.

179 (e) Any privilege or restriction on disclosure established pursuant to chapter 66A, section 70 of
180 chapter 111, section 11 of chapter 111B, section 18 of 111E, chapter 112, chapter 123 or sections 20B,
181 20J, 20K or 20M of chapter 233 or any other law relating to confidential communications which would
182 otherwise be held by the victim of a fatality or protect records and information directly related to such
183 victim shall not prohibit the disclosure of such records or information, as it directly relates to that victim,
184 to the chair of the state review team or a local review team. Any privilege or restriction on disclosure
185 pursuant to the aforementioned statutes, or any other law relating to confidential communications not
186 directly related to the victim of a fatality shall remain in effect; provided, however, that such privilege or
187 restriction may be waived, in writing, by the person holding it, for the limited purposes of disclosure to
188 the state review team or a local review team. Any information considered confidential pursuant to the
189 aforementioned statutes received by the chair of the state review team or a local review team may be
190 submitted for a team's review upon the determination of that team's chair that the review of the
191 information is necessary. The chair shall ensure that no information submitted for a team's review is
192 disseminated to parties outside the team. Under no circumstances shall any member of a team violate the
193 confidentiality provisions set forth in the aforementioned statutes.

194 Except as necessary to carry out a team's purpose and duties, members of a team and persons
195 attending a team meeting may not disclose any information relating to the team's business.

196 Team meetings shall be closed to the public. Information and records acquired by a team pursuant
197 to this section shall be confidential, shall not be considered public records, as defined in clause Twenty-
198 sixth of section 7 of chapter 4, shall be exempt from disclosure pursuant to chapter 66, and may only be
199 disclosed as necessary to carry out a team's duties and purposes. All such records shall be maintained by
200 the chair of the team.

201 Statistical compilations of data which do not contain any information that would permit the
202 identification of any person may be disclosed to the public.

203 (f) Members of a team, persons attending a team meeting and persons who present information to
204 a team may not be questioned in any civil or criminal proceeding regarding information presented in or
205 opinions formed as a result of a team meeting.

206 (g) Information, documents and records of a team shall not be subject to subpoena, discovery or
207 introduction into evidence in any civil or criminal proceeding; provided, however, that information,

208 documents and records otherwise available from any other source shall not be immune from subpoena,
209 discovery or introduction into evidence through these sources solely because they were presented during
210 proceedings of a team or are maintained by a team.

211 SECTION 5. Chapter 12 of the General Laws is hereby amended by adding the following
212 section:-

213 Section 33. The Massachusetts District Attorneys Association shall provide training on the issue
214 of domestic violence and sexual violence in the commonwealth, at least once biannually, to all district
215 attorneys and assistant district attorneys. Such training shall include, but not be limited to, the
216 dissemination of information concerning:

217 (1) misdemeanor and felony offenses in which domestic violence and sexual violence are
218 often involved;

219 (2) the civil rights and remedies available to victims of domestic violence and sexual
220 violence;

221 (3) methods for assessing the degree of risk of homicide involved in situations of domestic
222 violence, including, but not limited to, gathering information from the victim regarding the suspect's past
223 reported and non-reported behavior and dangerousness, such as: (i) whether the suspect has ever used a
224 weapon against the victim or threatened the victim with a weapon, (ii) whether the suspect owns a gun;
225 (iii) whether the suspect's physical violence against the victim has increased in severity or frequency; (iv)
226 whether the suspect has threatened to kill the victim; (v) whether the suspect has ever threatened or
227 attempted suicide; (vi) whether the suspect has used or threatened physical violence against the victim's
228 family, other household members, or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the
229 suspect abuses alcohol; and (ix) whether there have been specific instances of strangulation or suffocation
230 of the victim by the suspect;

231 (4) law enforcement techniques, information sharing, and methods of promoting cooperation
232 among different areas of law enforcement in combating domestic violence and sexual violence, including
233 the importance of keeping victims informed as to the whereabouts of suspected abusers and other such
234 information helpful for victim safety planning;

235 (5) the physiological and psychological effects of the pattern of domestic violence and
236 sexual violence on its victims, including children who witness such abuse;

237 (6) the underlying psychological and sociological causes of domestic violence and sexual
238 violence and the availability of batterer's intervention programs;

239 (7) the availability of community based domestic violence, rape, and sexual assault shelter
240 and support services within the commonwealth, including, to the extent practicable, specific shelter and
241 support services available in a district attorney's district; and

242 (8) techniques for increasing cooperation and immediate data sharing among different areas
243 of law enforcement and the court system in combating domestic violence and sexual violence.

244 The Massachusetts District Attorneys Association may appoint such expert, clerical and other
245 staff members as the operation of the training program may require. Where appropriate, the training
246 presenters shall include domestic violence and sexual violence experts with expertise in the delivery of
247 direct services to victims of domestic violence and sexual violence, including utilizing community based
248 domestic violence, rape and sexual assault service providers, and survivors of domestic violence, rape or
249 sexual assault in the presentation of the training.

250 SECTION 6. Chapter 41 of the General Laws is hereby amended by striking out section 97D, as
251 appearing in the 2012 Official Edition, and inserting in place thereof the following section:-

252 Section 97D. All reports of rape and sexual assault or attempts to commit such offenses, all
253 reports of abuse perpetrated by family or household members, as defined in section 1 of chapter 209A and
254 all communications between police officers and victims of such offenses or abuse shall not be public
255 reports and shall be maintained by the police departments in a manner that shall assure their
256 confidentiality; provided, however, that all such reports shall be accessible at all reasonable times, upon
257 written request, to the victim and victim's attorney, to others specifically authorized by the victim to
258 obtain such information and to prosecutors, victim-witness advocates as defined in section 1 of chapter
259 258B, domestic violence victims' counselors as defined in section 20K of chapter 233, sexual assault
260 counselors as defined in section 20J of chapter 233, if such access is necessary in the performance of their
261 duties; and provided further, that all such reports shall be accessible at all reasonable times, upon written,
262 telephonic, facsimile, or electronic mail request to law enforcement officers, district attorneys or assistant
263 district attorneys, and all persons authorized to admit persons to bail pursuant to section 57 of chapter
264 276. Communications between police officers and victims of said offenses and abuse may also be shared
265 with the forgoing named persons if such access is necessary in the performance of their duties. Whoever
266 violates any provision of this section shall be punished by imprisonment for not more than 1 year or by a
267 fine of not more than \$1,000, or both such fine and imprisonment.

268 SECTION 7. Said chapter 41 is hereby further amended by striking out section 98F, as so
269 appearing, and inserting in place thereof the following section:-

270 Section 98F. Each police department and each college or university to which officers have been
271 appointed pursuant to the provisions of section 63 of chapter 22C shall make, keep and maintain a daily
272 log, written in a form that can be easily understood, recording, in chronological order, all responses to
273 valid complaints received, crimes reported, the names, addresses of persons arrested and the charges
274 against such persons arrested. All entries in said daily logs shall, unless otherwise provided in law, be
275 public records available without charge to the public during regular business hours and at all other
276 reasonable times; provided, however, that any entry in a log which pertains to a handicapped individual
277 who is physically or mentally incapacitated to the degree that said person is confined to a wheelchair or is
278 bedridden or requires the use of a device designed to provide said person with mobility, any information
279 concerning responses to reports of domestic violence, rape or sexual assault, or any entry concerning the
280 arrest of a person for assault, assault and battery, or violation of a protective order where the victim is a
281 family or household member, as defined in section 1 of chapter 209A, shall be kept in a separate log and
282 shall not be a public record nor shall such entry be disclosed to the public, or any individual not specified
283 in section 97D.

284 SECTION 7A. Section 121 of chapter 140 of the general laws, as appearing in the 2012 official edition,
285 shall be amended by deleting in lines 6 through 8 the following:- ‘The term ‘ammunition’ shall also mean
286 tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas,
287 powder or any other substance designed to incapacitate.’

288

289 SECTION 7B. Section 121 of chapter 140 of the general laws, as so appearing, shall be amended by
290 inserting after the word ‘imposed’ in line 7 the following:- ‘Defensive Spray’ shall mean tear gas
291 cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or
292 any other substance designed to incapacitate.’

293

294 SECTION 7C. Section 129B of chapter 140 of the general laws, as so appearing, shall be amended by
295 deleting in lines 141 through 143 the following:- ‘A firearm identification card shall be valid for the
296 purpose of purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid,
297 gas or powder designed to temporarily incapacitate.’

298

299 SECTION 7D Section 129B of chapter 140 of the general laws, as so appearing, shall be amended by
300 deleting in lines 155 through 159 the following:- ‘If a firearm identification card is issued for the sole
301 purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas
302 or powder designed to temporarily incapacitate, such card shall clearly state that such card is valid for
303 such limited purpose only.’

304

305 SECTION 7E. Section 129B of chapter 140 of the general laws, as so appearing, shall be amended by
306 deleting Clause (9B) in lines 198 through 215.

307

308 SECTION 7F. Chapter 140 of the general laws, as so appearing, shall be amended by inserting the
309 following new section:- Section 129E. Notwithstanding and special law or regulation to the contrary it
310 shall be lawful for residents or non-residents aged 18 years of age or older to purchase, possess, carry,
311 transport Defensive Sprays as defined in section 121 of chapter 140.

312

313 SECTION 7G. Section 131 of chapter 140 of the general laws, as so appearing, shall be amended by
314 deleting in clause (c), the following:- ‘and for purchasing and possessing chemical mace, pepper spray, or
315 other similarly propelled liquid, gas, or powder designed to temporarily incapacitate,.

316 SECTION 8. Chapter 112 of the General Laws is hereby amended by adding the following
317 section:-

318 Section 264. The board of registration in medicine, the board of registration in nursing, the board
319 of registration of physician assistants, the board of administration of nursing home administrators, the
320 board of registration of social workers, the board of registration of psychologists and the board of
321 registration of allied mental health and human services professions shall develop and administer standards
322 for licensure, registration or certification pursuant to this chapter, as applicable, and any renewal thereof,
323 that require training and education on the issue of domestic violence and sexual violence, including, but
324 not limited to, the common physiological and psychological symptoms of domestic violence and sexual
325 violence, the physiological and psychological effects of domestic violence and sexual violence on
326 victims, the challengers of domestic violence victims who come from different cultures and speak

327 different languages and the availability of community-based domestic violence, rape and sexual assault
328 shelter and support services within the commonwealth. Each board may work with community-based
329 domestic violence, rape and sexual assault service providers in order to develop the standards required by
330 this section. Each board shall: (i) promulgate rules and regulations establishing the standards required by
331 this section; and (ii) identify programs or courses of study which meet these standards and the rules or
332 regulations so promulgated. Each board shall provide a list of the identified programs or courses of study
333 to an applicant for licensure, registration or certification, or renewal thereof.

334 SECTION 9. Chapter 149 of the General Laws is hereby amended by inserting after section 52D
335 the following new section:-

336 Section 52E. (a) For purposes of this section, the following words shall, unless the context
337 clearly indicates otherwise, have the following meanings:

338 'Abuse', (i) attempting to cause or causing physical harm; (ii) placing another in fear of
339 imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations by force,
340 threat or duress or engaging or threatening to engage in sexual activity with a dependent child; (iv)
341 engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror; or (v)
342 depriving another of medical care, housing, food or other necessities of life.

343 'Abusive behavior', (i) any behavior constituting domestic violence; (ii) stalking in
344 violation of section 43 of chapter 265; (iii) sexual assault, which shall include a violation of sections 13B,
345 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50 or 51 of said chapter 265 or
346 section 3 or 35A of chapter 272; and (iv) kidnapping in violation of the third paragraph of section 26 of
347 chapter 265.

348 'Domestic violence', abuse against an employee or the employee's family member by: (i)
349 a current or former spouse of the employee or the employee's family member; (ii) a person with whom
350 the employee or the employee's family member shares a child in common; (iii) a person who is
351 cohabitating with or has cohabitated with the employee or the employee's family member; (iv) a person
352 who is related by blood or marriage to the employee; or (v) a person with whom the employee or
353 employee's family member has or had a dating or engagement relationship.

354 'Family member', (i) persons who are married to one another; (ii) persons in a
355 substantive dating or engagement relationship and who reside together; (iii) persons having a child in
356 common regardless of whether they have ever married or resided together; (iv) a parent, step-parent,
357 child, step-child, sibling, grandparent or grandchild; or (v) persons in a guardianship relationship.

358 (b) An employer shall permit an employee to take up to 15 days of leave from work in any 12
359 month period if:

360 (i) the employee, or a family member of the employee, is a victim of abusive
361 behavior;

362 (ii) the employee is using the leave from work to: seek or obtain medical
363 attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a
364 court; appear in court or before a grand jury; meet with a district attorney or other law enforcement

365 official; or attend child custody proceedings or address other issues directly related to the abusive
366 behavior against the employee or family member of the employee; and

367 (iii) the employee is not the perpetrator of the abusive behavior against such
368 employee's family member.

369 The employer shall have sole discretion to determine whether any leave taken pursuant to
370 this section shall be paid or unpaid.

371 (c) This section shall apply to employers who employ 50 or more employees. As used in this
372 subsection, 'employees' shall mean individuals who perform services for and under the control and
373 direction of an employer for wages or other remuneration.

374 (d) Except in cases of imminent danger to the health or safety of an employee, an employee
375 seeking leave from work pursuant to this section shall provide appropriate advance notice of the leave to
376 the employer as required by the employer's leave policy.

377 If there is a threat of imminent danger to the health or safety of an employee or the
378 employee's family member, the employee shall not be required to provide advance notice of leave;
379 provided, however, that the employee shall notify the employer within 3 workdays that the leave was
380 taken or is being taken pursuant to this section. Such notification may be communicated to the employer
381 by the employee, a family member of the employee or the employee's counselor, social worker, health
382 care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted
383 the employee in addressing the effects of the abusive behavior on the employee or the employee's family
384 member.

385 If an unscheduled absence occurs, an employer shall not take any negative action against
386 the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the
387 last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of
388 the documentation described in paragraphs (1) to (6), inclusive, of subsection (e).

389 (e) An employer may require an employee to provide documentation evidencing that the
390 employee or employee's family member has been a victim of abusive behavior and that the leave taken is
391 consistent with the conditions of clauses (i) to (iii), inclusive, of subsection (b); provided, however, that
392 an employer shall not require an employee to show evidence of an arrest, conviction or other law
393 enforcement documentation for such abusive behavior. An employee shall provide such documentation
394 to the employer within a reasonable period after the employer requests documentation relative to the
395 employee's absence. An employee shall satisfy this documentation requirement by providing any 1 of the
396 following documents to the employer:

397 (1) a document under the letterhead of the court, provider or public agency which
398 the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against
399 the employee or the employee's family member;

400 (2) a police report or statement of a victim or witness provided to police,
401 including a police incident report, documenting the abusive behavior complained of by the employee or
402 the employee's family member;

403 (3) documentation that the perpetrator of the abusive behavior against the
404 employee or family member of the employee has: (i) admitted to sufficient facts to support a finding of
405 guilt of abusive behavior; or (ii) been convicted of, or adjudicated a juvenile delinquent by reason of any
406 offense constituting abusive behavior and which is related to the abusive behavior that necessitated the
407 leave pursuant to this section;

408 (4) medical documentation of treatment as a result of the abusive behavior
409 complained of by the employee or employee's family member;

410 (5) an affidavit, signed under the penalties of perjury, provided by a counselor,
411 social worker, health care worker, member of the clergy, shelter worker, legal advocate or other
412 professional who has assisted the employee or the employee's family member in addressing the effects of
413 the abusive behavior; or

414 (6) an affidavit, signed under the penalties of perjury, from the employee
415 attesting that the employee has been the victim of abusive behavior or is the family member of a victim of
416 abusive behavior.

417 Any documentation provided to an employer pursuant to this section may be maintained by the
418 employer in the employee's employment record but only for as long as required for the employer to make
419 a determination as to whether the employee is eligible for leave pursuant to this section.

420 (f) All information that is not a public record related to the employee's leave pursuant to this
421 section shall be kept confidential by the employer and shall not be disclosed, except to the extent that
422 disclosure is:

423 (i) requested or consented to, in writing, by the employee;

424 (ii) ordered to be released by a court of competent jurisdiction;

425 (iii) otherwise required by applicable federal or state law;

426 (iv) related to investigations authorized by law enforcement, including, but not
427 limited to, an investigation by the attorney general; or

428 (v) necessary to protect the safety of the employee or others employed at the
429 workplace.

430 (g) An employee seeking leave pursuant to this section shall exhaust all annual or vacation leave,
431 personal leave and sick leave available to the employee, prior to requesting or taking leave pursuant to
432 this section, unless the employer waives this requirement.

433 (h) No employer shall coerce, interfere with, restrain or deny the exercise of, or any attempt to
434 exercise, any rights provided in this section or make leave requested or taken hereunder contingent upon
435 whether or not the victim maintains contact with the alleged abuser.

436 (i) No employer shall discharge or in any other manner discriminate against an employee for
437 exercising the employee's rights pursuant to this section. The taking of leave pursuant to this section

438 shall not result in the loss of any employment benefit accrued prior to the date on which the leave taken
439 pursuant to this section commenced. Upon the employee's return from such leave, the employee shall be
440 entitled to restoration to the employee's original job or to an equivalent position.

441 (j) The attorney general shall enforce this section and may seek injunctive relief or other
442 equitable relief to enforce this section.

443 (k) Employers with 50 or more employees shall notify each employee of the rights and
444 responsibilities provided by this section including those related to notification requirements and
445 confidentiality. As used in this subsection, 'employees' shall mean individuals who perform services for
446 and under the control and direction of an employer for wages or other remuneration.

447 (l) This section shall not be construed to exempt an employer from complying with chapter 258B,
448 section 14B of chapter 268 or any other general or special law or to limit the rights of any employee under
449 said chapter 258B, said section 14B of said chapter 268 or any other general or special law.

450 (m) Any benefit received from this section shall not be considered relevant in any criminal or
451 civil proceeding as it relates to the alleged abuse unless, after a hearing, a justice of the district, superior
452 or probate court determines that such benefit is relevant to the allegations.

453 SECTION 10. Section 150 of said chapter 149, as appearing in the 2012 Official Edition, is
454 hereby amended by inserting after the figure '33E', in line 20, the following figure:- , 52E.

455 SECTION 11. Section 3 of chapter 209A of the General Laws, as so appearing, is hereby
456 amended by striking out, in line 149, the word 'except' and inserting in place thereof the following:-
457 including.

458 SECTION 12. Said section 3 of said chapter 209A, as so appearing, is hereby further amended by
459 inserting after the word 'support', in line 149, the following:-

460 ; provided, however, that upon issuing an order for custody or support, the superior, district or
461 Boston municipal court shall provide a copy of the order to the probate and family court department of the
462 trial court that issued the prior or pending custody or support order immediately; provided further, that
463 such order for custody or support shall be for a fixed period of time not to exceed 30 days; and provided
464 further, that such order may be superseded by a subsequent custody or support order issued by the probate
465 and family court department, which shall retain final jurisdiction over any custody or support order.

466 SECTION 13. The second paragraph of section 7 of said chapter 209A, as so appearing, is hereby
467 amended by inserting, after the first sentence the following sentence:- Law enforcement agencies shall
468 establish adequate procedures to ensure that, when effecting service upon a defendant pursuant to this
469 paragraph, a law enforcement officer shall, to the extent practicable: (i) fully inform the defendant of the
470 contents of the order and the available penalties for any violation of an order or terms thereof, and (ii)
471 provide the defendant with informational resources, including, but not limited to, a list of certified batterer
472 intervention programs, and substance abuse counseling, alcohol abuse counseling, and financial
473 counseling programs located within or near the court's jurisdiction.

474 SECTION 14. Said section 7 of said chapter 209A, as so appearing, is hereby further amended
475 by inserting after the word 'order', in line 50, the following words:- , or as a condition of a continuance
476 without a finding.

477 SECTION 15. Subsection (a) of section 3 of chapter 209C of the General Laws, as so appearing,
478 is hereby amended by adding the following sentence:- No court shall make an order providing visitation
479 rights to a parent who was convicted of rape pursuant to sections 22 to 23B, inclusive, of chapter 265 or
480 section 3, 4, or 17 of chapter 272, and is seeking to obtain visitation with the child who was conceived
481 during the commission of that rape, unless the judge determines that such child is of suitable age to
482 signify the child's assent and that assent is in the best interest of the child; provided, however, that a court
483 may make an order providing visitation rights to a parent convicted of rape pursuant to section 23 of said
484 chapter 265, if visitation is in the best interest of the child and either (i) the other parent of the child
485 conceived during the commission of that rape has reached the age of 18, and said parent consents to such
486 visitation, or (ii) the judge makes an independent determination that visitation is in the best interest of the
487 child.

488 No court shall make an order providing visitation rights to a parent who has been convicted of murder in
489 the first degree of a sibling of the child who is the subject of the order, unless such child is of suitable age
490 to signify his assent to such order; provided further, that until such order is issued, no person shall visit,
491 with the child present, a parent who has been convicted of murder in the first degree of a sibling of the
492 child.

493

494 No court shall make an order providing visitation rights to a parent who has been convicted of sexual
495 assault on any family member; provided further, that this provision shall apply to all siblings regardless of
496 whether the child(ren) placed in the custody of the department is the victim of said sexual assault.

497

498 The department of children and families shall make no order providing visitation rights to a parent who
499 has been convicted of murder in the first degree of a sibling of the child who is the subject of the order,
500 unless such child is of suitable age to signify his assent to such order; provided further, that until such
501 order is issued, no person shall visit, with the child present, a parent who has been convicted of murder in
502 the first degree.

503

504 The department of children and families shall make no order providing visitation rights to a parent whose
505 child(ren) has been placed in the custody of the department as a result of sexual assault on any family
506 member; provided further, that this provision shall apply to all siblings regardless of whether the
507 child(ren) placed in the custody of the department is the victim of said sexual assault.'

508

509 SECTION 16. The first paragraph of subsection (e) of section 10 of said chapter 209C, as so
510 appearing, is hereby amended by adding the following sentence:- For the purposes of this section, if the
511 child was conceived during the commission of a rape and the parent was convicted of said rape pursuant
512 to sections 22 to 23B, inclusive, of chapter 265 or section 3, 4 or 17 of chapter 272, said conviction shall
513 be conclusive evidence of a serious incident of abuse by the convicted parent.

514 SECTION 17. Chapter 211B of the General Laws is hereby amended by inserting after section
515 9A the following section:-

516 Section 9B. The chief justice of the trial court department shall provide training on the issue of
517 domestic violence and sexual violence in the commonwealth, at least once biannually, to all appropriate
518 court personnel throughout the commonwealth, including but not limited to judges, clerks of court,
519 probation officers, court officers, security officers and guardians ad litem. Such training shall include, but
520 not be limited to, the dissemination of information concerning:

521 (1) misdemeanor and felony offenses in which domestic violence and sexual violence are
522 often involved;

523 (2) the civil rights and remedies available to victims of domestic violence and sexual
524 violence;

525 (3) methods for assessing the degree of risk of homicide involved in situations of domestic
526 violence, including, but not limited to, gathering information from the victim regarding the suspect's past
527 reported and non-reported behavior and dangerousness, such as : (i) whether the suspect has ever used a
528 weapon against the victim or threatened the victim with a weapon, (ii) whether the suspect owns a gun;
529 (iii) whether the suspect's physical violence against the victim has increased in severity or frequency; (iv)
530 whether the suspect has threatened to kill the victim; (v) whether the suspect has ever threatened or
531 attempted suicide; (vi) whether the suspect has used or threatened physical violence against the victim's
532 family, other household members, or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the
533 suspect abuses alcohol; and (ix) whether there have been specific instances of strangulation or suffocation
534 of the victim by the suspect;

535 (4) law enforcement techniques, information sharing, and methods of promoting cooperation
536 among the various court departments in combating domestic violence and sexual violence, including the
537 importance of keeping victims informed as to the whereabouts of suspected abusers and other such
538 information helpful for victim safety planning;

539 (5) the physiological and psychological effects of the pattern of domestic violence and
540 sexual violence on its victims, including children who witness such abuse;

541 (6) the underlying psychological and sociological causes of domestic violence and sexual
542 violence and the availability of batterer's intervention programs;

543 (7) the availability of community based domestic violence, rape, and sexual assault shelter
544 and support services within the commonwealth, including, to the extent practicable, specific shelter and
545 support services available in a court's geographical area; and

546 (8) techniques for increasing cooperation and immediate data sharing among different areas
547 of law enforcement and the court system in combating domestic violence and sexual violence.

548 The chief justice of the trial court may appoint such expert, clerical and other staff members as
549 the operation of the training program may require. Where appropriate, the training presenters shall include
550 domestic violence and sexual violence experts with expertise in the delivery of direct services to victims

551 of domestic violence and sexual violence, including utilizing community based domestic violence, rape
552 and sexual assault service providers, and survivors of domestic violence, rape or sexual assault in the
553 presentation of the training.

554 SECTION 18. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby amended
555 by striking out, in line 18, the words ‘fifteen A and twenty-one A’ and inserting in place thereof the
556 following:- 15A, 15D, 21A and 26.

557 SECTION 19. Section 8 of chapter 258B of the General Laws, as so appearing, is hereby
558 amended by striking out, in line 1, the figure ‘90’ and inserting in place thereof the following figure:- 110.

559 SECTION 20. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by
560 striking out, in line 5, the figure ‘50’ and inserting in place thereof the following figure:- 70.

561 SECTION 21. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by
562 striking out, in line 8, the figure ‘45’ and inserting in place thereof the following figure:- 65.

563 SECTION 22. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by
564 inserting after the third sentence the following sentence:- The court shall impose an additional domestic
565 violence prevention and victim assistance assessment of \$50 for any violation of an order issued pursuant
566 to sections 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of 209A, or section 15
567 of chapter 209C, or a conviction or adjudication for an act which would constitute abuse as defined in
568 section 1 of 209A, or a violation of section 13M of chapter 265, which shall be deposited in the Domestic
569 Violence Prevention and Victim Assistance Fund, established by section 14.

570 SECTION 23. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by
571 striking out the seventh sentence and inserting in place thereof the following sentence:-

572 If it is determined by a written finding of fact that an assessment, other than for a civil motor
573 vehicle infraction, imposed by this section would impose a severe financial hardship upon the person
574 against whom the assessment is imposed, the court may structure a payment plan in order to ensure
575 compliance with payment; provided, however, that the court may order a person required to pay a
576 domestic violence prevention and victim assistance assessment to complete at least 8 hours of community
577 service in order to satisfy such assessment, if a structured payment would continue to impose a severe
578 financial hardship.

579 SECTION 24. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by
580 inserting after the word ‘assessment’, in line 50, the following words:- and the domestic violence
581 prevention and victim assistance assessment.

582 SECTION 25. Said chapter 258B is hereby further amended by adding the following section:-

583 Section 14. (a) There shall be established and placed within the Massachusetts office for victim
584 assistance, under the control of the board, a fund to be known as the Domestic Violence Prevention and
585 Victim Assistance Fund, hereinafter referred to as the fund, to be held by the board separate and apart
586 from other funds, to support innovative practices to prevent domestic violence and provide assistance to
587 victims of domestic violence in the commonwealth. The fund shall be credited any appropriations, bond

588 proceeds, or other monies authorized by the general court and specifically designated to be credited
589 thereto, such additional funds as are subject to the direction and control of the board, any pension funds,
590 federal grants or loans, royalties or private investment capital which may properly be applied in
591 furtherance of the objectives of the fund, domestic violence prevention and victim assistance assessments
592 pursuant to section 8 of chapter 258B and any other monies which may be available to the board for the
593 purposes of the fund from any other source or sources. Any revenues, deposits, receipts or funds received
594 shall be deposited in the fund, and shall be available to the board for the purposes described in this
595 section, without further appropriation. The state treasurer shall be the custodian of the fund and shall
596 receive, deposit and invest all monies transmitted to the state treasurer pursuant to this section in
597 accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of
598 return available consistent with the safety of the fund, and shall credit interest and earnings on the trust
599 fund corpus to the trust fund; provided, that all amounts on deposit shall be available for immediate use.
600 At the request of the board, the state treasurer shall transfer funds to the board for the administration of
601 any grant pursuant to this section.

602 (b) All available monies in the fund that are unexpended at the end of each fiscal year shall not
603 revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

604 (c) The fund shall be held and applied by the board to provide grants designed to support
605 innovative practices to prevent domestic violence and provide assistance to victims of domestic violence
606 in the commonwealth. Such innovative practices shall include, but are not limited to: (i) community-
607 based domestic violence prevention and assistance programs and service providers; (ii) multi-disciplinary
608 teams addressing victims of domestic violence at high risk of homicide or fatality; and (iii) other
609 programs and service providers that support victims of domestic violence.

610 The board shall develop, in conjunction with Jane Doe, Inc., and establish guidelines for
611 applications for grants from the fund no later than October 1, 2014; provided, that an application must
612 demonstrate the way in which the applicant's practice or program will result in the improvement of
613 services provided to victims of domestic violence. The board shall determine the eligibility of applicants
614 for grants from the fund, and the level of benefits provided to successful applicants. A maximum of 6
615 grantees may be selected to receive grants from the fund. The board shall structure the payments to
616 grantees to ensure that no expenditure from or commitment of the assets of the fund shall result in a
617 negative amount within the fund.

618 (d) On or before January 1, 2015, the board shall submit a report to the clerks of the house of
619 representatives and the senate, who shall forward the same to the house and senate committees on ways
620 and means, and to the executive office for administration and finance. The report shall provide, at a
621 minimum: (i) the guidelines for applications for grants from the fund; (ii) a list of all applicants for grants
622 from the fund; and (iii) a set of clearly-defined goals and benchmarks to be used to evaluate grant
623 recipients.

624 (e) On or before March 1, 2017, the executive director shall submit a report to the clerks of the
625 house of representatives and the senate, who shall forward the same to the house and senate committees
626 on ways and means, and to the executive office for administration and finance. The report shall provide,
627 at a minimum: (i) detailed evaluations of the performance of grant recipients; (ii) detailed information on
628 grant recipients considered to be most successful; (iii) the potential for the future development and

629 implementation of successful grant recipients' practices or programs; and (iv) recommendations as to how
630 any monies remaining in the fund should be spent.

631 SECTION 26. Section 14 of said chapter 258B is hereby repealed.

632 SECTION 27. Section 13K of chapter 265 of the General Laws, as appearing in the 2012 Official
633 Edition, is hereby amended by inserting after subsection (c) the following new subsection:-

634 (c $\frac{1}{2}$) Whoever commits an assault and battery upon a family or household member, as defined in
635 section 1 of chapter 209A, except that the determination to be made pursuant to clause (e) of said section
636 1 of said chapter 209A shall be made by the trier of fact, who is an elder or person with disability shall, in
637 addition to any other penalty authorized by this section, be punished by imprisonment in the state prison
638 for not more than 5 years or in the house of correction for not more than 2 $\frac{1}{2}$ years or by a fine of not more
639 than \$5,000 or by both such fine and imprisonment.

640 SECTION 28. Said chapter 265 is hereby further amended by striking out section 13M, as so
641 appearing, and inserting in place thereof the following section:-

642 Section 13M. (a) Whoever commits an assault or assault and battery on a family or household
643 member, as defined in section 13O, shall be punished by imprisonment in the house of correction for not
644 more than 2 $\frac{1}{2}$ years or by a fine of not more than \$5,000 or both.

645 (b) Whoever is convicted of committing an assault or assault and battery on a family or household
646 member, after having previously been convicted of, granted a continuance without a finding for, or
647 otherwise having pleaded guilty to or admitted to a finding of sufficient facts of one of the following
648 offenses, or of a like offense in federal court or the court of any state: (1) an assault or assault and battery
649 on a family or household member; (2) (2) an offense that has as an element the possession, use, or
650 threatened use of a deadly weapon; (3) a sex offense, as defined in section 178C of chapter 6, or (4) a
651 violation of section 7 of chapter 209A, shall be punished by imprisonment in the state prison for not more
652 than 5 years or in the house of correction for not more than 2 $\frac{1}{2}$ years, or by a fine of not more than
653 \$10,000, or by both such fine and imprisonment.

654 (c) For any violation of this section, or as a condition of a continuance without a finding, the court
655 shall order the defendant to complete a certified batterer's intervention program unless, upon good cause
656 shown, the court issues specific written findings describing the reasons that batterer's intervention should
657 not be ordered or unless the batterer's intervention program determines that the defendant is not suitable
658 for intervention. Should a defendant not under parole supervision fail to complete a certified batterer's
659 intervention program ordered under this subsection within 12 months of disposition or release from
660 confinement, or within such other time as set by the court, the defendant's original term of imprisonment
661 shall be increased by imprisonment in the house of correction for 60 days.

662 SECTION 29. Said chapter 265 is hereby further amended by inserting after section 13M the
663 following 2 new sections:-

664 Section 13N. (a) Whoever commits, or attempts to commit an assault or an assault and battery on
665 a family or household member, as defined in section 13O, within 500 feet of the real property comprising
666 a trial court of the commonwealth, as defined in section 1 of chapter 211B, shall be punished

667 imprisonment in the state prison for not more than 5 years or in the house of correction for not more than
668 2½ years, or by a fine of not more than \$1,000, or or by both such fine and imprisonment.

669 (b) Whoever commits, or attempts to commit an assault or an assault and battery on a family or
670 household member, as defined in section 13O, with the intent to intimidate, deter or prevent such family
671 or household member from obtaining access to a trial court of the commonwealth, as defined in section 1
672 of chapter 211B, shall be punished by imprisonment in the state prison for not more than 10 years or in
673 the house of correction for not more than 2½ years, or by a fine of not less than \$1,000 nor more than
674 \$5,000, or by both such fine and imprisonment.

675 (c) For any violation of this section, or as a condition of a continuance without a finding, the court
676 shall order the defendant to complete a certified batterer's intervention program unless, upon good cause
677 shown, the court issues specific written findings describing the reasons that batterer's intervention should
678 not be ordered or unless the batterer's intervention program determines that the defendant is not suitable
679 for intervention. Should a defendant not under parole supervision fail to complete a certified batterer's
680 intervention program ordered under this subsection within 6 months of disposition or release from
681 confinement, or within such other time as set by the court, the defendant's original term of imprisonment
682 shall be increased by imprisonment in the house of correction for 60 days.

683 Section 13O. For the purposes of sections 13M and 13N the term 'Family or household member',
684 shall mean persons who:

685 (a) are or were married to one another;

686 (b) have a child in common regardless of whether they have ever married or lived together; or

687 (c) are or have been in a substantive dating or engagement relationship, which shall be adjudged
688 by the district, probate or Boston municipal courts' consideration of the following factors:

689 (1) the length of time of the relationship;

690 (2) the type of relationship;

691 (3) the frequency of interaction between the parties; and

692 (4) if the relationship has been terminated by either person, the length of time elapsed
693 since the termination of the relationship.

694 SECTION 30. Said chapter is hereby further amended by inserting after section 15C the
695 following section:-

696 Section 15D. (a) For the purposes of this section the following words shall have the following
697 meanings:-

698 'Strangulation', the intentional interference of the normal breathing or circulation of blood by
699 applying substantial pressure on the throat or neck of another.

700 'Suffocation', the intentional interference of the normal breathing or circulation of blood by
701 blocking the nose or mouth of another.

702 'Serious bodily injury', bodily injury that results in a permanent disfigurement, loss or
703 impairment of a bodily function, limb or organ, or a substantial risk of death.

704 (b) Whoever strangles or suffocates another shall be punished by imprisonment in the state prison
705 for not more than 5 years or in the house of correction for not more than 2½ years, or by a fine of not more
706 than \$5,000, or by both such fine and imprisonment.

707 (c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation causes
708 serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of such
709 strangulation or suffocation, knowing or having reason to know that the person is pregnant; or (iii) is
710 convicted of strangling or suffocating another after having been previously convicted of the crime of
711 strangling or suffocating another under this section, or of a like offense in federal court or the court of any
712 state; or (iv) strangles or suffocates another who he or she knows has an outstanding temporary or
713 permanent vacate, restraining or no contact order or judgment issued pursuant to section 18 or 34B of
714 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 of chapter 209C, in
715 effect against him or her at the time the offense was committed, shall be punished by imprisonment in the
716 state prison for not more than 10 years or in the house of correction for not more than 2½ years, and by a
717 fine of not more than \$10,000.

718 (d) For any violation of this section, or as a condition of a continuance without a finding, the
719 court shall order the defendant to complete a certified batterer's intervention program unless, upon good
720 cause shown, the court issues specific written findings describing the reasons that batterer's intervention
721 should not be ordered or unless the batterer's intervention program determines that the defendant is not
722 suitable for intervention. Should a defendant not under parole supervision fail to complete a certified
723 batterer's intervention program ordered under this subsection within 12 months of disposition or release
724 from confinement, or within such other time as set by the court, the defendant's original term of
725 imprisonment shall be increased by imprisonment in the house of correction for 60 days.

726 SECTION 31. Section 20D of chapter 276 of the General Laws, as appearing in the 2012 Official
727 Edition, is hereby amended by inserting after the word 'governor', in line 8, the following words:- ;
728 provided, however, that if a person is arrested for a crime in the commonwealth, any bail by bond or
729 undertaking shall be assessed pursuant to sections 42, 42A, 57, 58 and 58A.

730 SECTION 32. Section 42 of said chapter 276, as so appearing, is hereby amended by inserting
731 after the word 'trial', in line 6, the following words:- ; provided, however, that if a person is arrested for a
732 violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209,
733 section 3, 4 or 5 of chapter 209A or section 15 of chapter 209C or any act that would constitute abuse as
734 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265,
735 any bail shall be assessed pursuant sections 42A, 57, 58 and 58A.

736 SECTION 33. Section 42A of said chapter 276, as so appearing, is hereby amended by inserting
737 after the word 'of', in line 7, the following words:- bail or.

738 SECTION 34. Said section 42A of said chapter 276, as so appearing, is hereby further amended by
739 inserting after the first paragraph the following 3 paragraphs:-

740 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter
741 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as
742 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, (1)
743 a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours

744 after arrest, except by a judge in open court, and, except where prohibited by section 57, every effort shall
745 be made to assess bail no more than 8 hours after the arrest, and (2) the clerk, assistant clerk, or other
746 person authorized to take bail for such violation may impose conditions on a person's release in order to
747 ensure the appearance of the person before the court, and the safety of the alleged victim, any other
748 individual or the community; provided, however, that the clerk, assistant clerk, or other person authorized
749 to take bail shall, in imposing such conditions, have immediate access to all pending and prior criminal
750 offender record information, board of probation records, and police and incident reports related to the
751 person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent practicable, and
752 shall take into consideration the following: the nature and circumstances of the offense charged, the
753 potential penalty the person faces, the person's family ties, employment record and history of mental
754 illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice or
755 threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, the
756 person's record of convictions, if any, any illegal drug distribution or present drug dependency, whether
757 the person is on bail pending adjudication of a prior charge, whether the acts alleged involve abuse as
758 defined in section 1 of chapter 209A, violation of a temporary or permanent order issued pursuant to
759 section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section
760 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to the
761 aforesaid sections, whether the person is on probation, parole or other release pending completion of
762 sentence for any conviction and whether the person is on release pending sentence or appeal for any
763 conviction.

764 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter
765 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as
766 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, a
767 judge shall, prior to admitting the person, who has attained the age of 18 years, to bail, or modifying an
768 existing order of bail, make a written determination as to whether there are conditions of release that will
769 reasonably assure the safety of the alleged victim or any other individual or the community on the basis of
770 any information which the court can reasonably obtain, the nature and circumstances of the offense
771 charged, the potential penalty the person faces, the person's family ties, employment record and history of
772 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice
773 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,
774 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,
775 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve
776 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued
777 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A
778 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to
779 the aforesaid sections, whether the person is on probation, parole or other release pending completion of
780 sentence for any conviction and whether the person is on release pending sentence or appeal for any
781 conviction. The judge shall have immediate access to all pending and prior criminal offender record
782 information, board of probation records, and police and incident reports related to the person detained,
783 upon oral, telephonic, facsimile or electronic mail request. If, after an evaluation of all factors set forth in
784 this paragraph, a written determination is made that there are conditions of release that will reasonably
785 assure the safety of the alleged victim, any other individual and the community, the judge shall impose
786 such conditions of release. If, after an evaluation of all factors set forth in this paragraph, a written
787 determination is made that there are no conditions of release that will reasonably assure the safety of the

788 alleged victim or any other individual or the community, the person shall be held and transferred
789 automatically, and without a motion from the commonwealth, for an appearance and hearing pursuant to
790 section 58A at the next sitting of the court; provided, however, that the commonwealth may decline such
791 a hearing and instead proceed under section 58 and request cash bail or under section 58B revocation of
792 release. The person shall, prior to admittance, be provided with informational resources related to
793 domestic violence by the person admitting the arrestee to bail, which shall include, but is not limited to, a
794 list of certified batterer intervention programs located within or near the court's jurisdiction. If the
795 defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the
796 victim of the defendant's release by the arresting police department. If the defendant is released on bail by
797 order of a court, a reasonable attempt shall be made to notify the victim of the defendant's release by the
798 district attorney.

799 Notwithstanding the previous paragraph, where a judge admits a person to bail sooner than 6 hours after
800 arrest the commonwealth may move to postpone arraignment, for the purpose of assembling the record,
801 for not more than 3 hours for a person charged with violation of an order issued pursuant to section 18 or
802 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 of chapter
803 209C, or a violation of section 13K, 13M, 13N or 15D of chapter 265.

804 SECTION 35. Section 55 of said chapter 276, as so appearing, is hereby amended by inserting
805 after the word 'felony', in line 5, the following words:- , or was a violation of an order issued pursuant to
806 section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section
807 15 of chapter 209C or was a violation of sections 13K, 13M, 13N or 15D of chapter 265 or would
808 otherwise constitute abuse as defined in section 1 of said chapter 209A.

809 SECTION 36. Said chapter 276 is hereby further amended by inserting after section 56 the
810 following section:-

811 Section 56A. Before a judge of the superior court or district court releases, discharges or admits
812 to bail any person arrested and charged with a crime against the person or property of another, the judicial
813 officer shall inquire into and determine whether, in the exercise of the judicial officer's discretion and
814 based upon the information provided to the court, abuse, as defined in section 1 of chapter 209A, has
815 occurred immediately prior to or in conjunction with the crime for which the person was arrested and
816 charged. If the judge determines that abuse has so occurred, the judge shall make preliminary written
817 findings of fact to that effect. Such preliminary written findings of fact shall be maintained within the
818 statewide domestic violence record keeping system. Such preliminary written findings of fact shall not be
819 considered criminal offender record information or public records and shall not be open for public
820 inspection. Such preliminary written findings of fact shall not be admissible in any investigation or
821 proceeding before a grand jury or court of the commonwealth related to the crime for which the person
822 was brought before the court for release, discharge or discretion that such abuse has not occurred, in
823 which case the preliminary written findings of fact shall be removed from the statewide domestic violence
824 record keeping system. Nothing in this section shall be construed as modifying or limiting the
825 presumption of innocence.

826 SECTION 37. Section 57 of said chapter 276, as so appearing, is hereby amended by inserting after the
827 first paragraph the following 3 paragraphs:-

828 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter
829 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as
830 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, (1)
831 a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours
832 after arrest, except by a judge in open court, and, except where prohibited by this section, every effort
833 shall be made to assess bail no more than 8 hours after the arrest, and (2) the clerk, assistant clerk, or
834 other person authorized to take bail for such violation may impose conditions on a person's release in
835 order to ensure the appearance of the person before the court, and the safety of the alleged victim, any
836 other individual or the community; provided, however, that the clerk, assistant clerk, or other person
837 authorized to take bail shall, in imposing such conditions, have immediate access to all pending and prior
838 criminal offender record information, board of probation records, and police and incident reports related
839 to the person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent
840 practicable, and shall take into consideration the following: the nature and circumstances of the offense
841 charged, the potential penalty the person faces, the person's family ties, employment record and history of
842 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice
843 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,
844 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,
845 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve
846 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued
847 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A
848 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to
849 the aforesaid sections, whether the person is on probation, parole or other release pending completion of
850 sentence for any conviction and whether the person is on release pending sentence or appeal for any
851 conviction.

852 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter
853 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as
854 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, a
855 judge shall, prior to admitting the person, who has attained the age of 18 years, to bail, or modifying an
856 existing order of bail, make a written determination as to whether there are conditions of release that will
857 reasonably assure the safety of the alleged victim or any other individual or the community on the basis of
858 any information which the court can reasonably obtain, the nature and circumstances of the offense
859 charged, the potential penalty the person faces, the person's family ties, employment record and history of
860 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice
861 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,
862 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,
863 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve
864 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued
865 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A
866 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to
867 the aforesaid sections, whether the person is on probation, parole or other release pending completion of
868 sentence for any conviction and whether the person is on release pending sentence or appeal for any
869 conviction. The judge shall have immediate access to all pending and prior criminal offender record
870 information, board of probation records, and police and incident reports related to the person detained,
871 upon oral, telephonic, facsimile or electronic mail request. If, after an evaluation of all factors set forth in

872 this paragraph, a written determination is made that there are conditions of release that will reasonably
873 assure the safety of the alleged victim, any other individual and the community, the judge shall impose
874 such conditions of release. If, after an evaluation of all factors set forth in this paragraph, a written
875 determination is made that there are no conditions of release that will reasonably assure the safety of the
876 alleged victim or any other individual or the community, the person shall be held and transferred
877 automatically, and without a motion from the commonwealth, for an appearance and hearing pursuant to
878 section 58A at the next sitting of the court; provided, however, that the commonwealth may decline such
879 a hearing and instead proceed under section 58 and request cash bail or under section 58B revocation of
880 release. The person shall, prior to admittance, be provided with informational resources related to
881 domestic violence by the person admitting the arrestee to bail, which shall include, but is not limited to, a
882 list of certified batterer intervention programs located within or near the court's jurisdiction. If the
883 defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the
884 victim of the defendant's release by the arresting police department. If the defendant is released on bail by
885 order of a court, a reasonable attempt shall be made to notify the victim of the defendant's release by the
886 district attorney.

887 Notwithstanding the previous paragraph, where a judge admits a person to bail sooner than 6 hours after
888 arrest the commonwealth may move to postpone arraignment, for the purpose of assembling the record,
889 for not more than 3 hours for a person charged with violation of an order issued pursuant to section 18 or
890 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section 15 of chapter
891 209C, or a violation of section 13K, 13M, 13N or 15D of chapter 265.

892 SECTION 38. Section 58 of said chapter 276, as so appearing, is hereby amended by inserting after the
893 first paragraph the following 3 paragraphs:-

894 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter
895 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as
896 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, (1)
897 a person arrested, who has attained the age of 18 years, shall not be admitted to bail sooner than 6 hours
898 after arrest, except by a judge in open court, and, except where prohibited by section 57, every effort shall
899 be made to assess bail no more than 8 hours after the arrest, and (2) the clerk, assistant clerk, or other
900 person authorized to take bail for such violation may impose conditions on a person's release in order to
901 ensure the appearance of the person before the court, and the safety of the alleged victim, any other
902 individual or the community; provided, however, that the clerk, assistant clerk, or other person authorized
903 to take bail shall, in imposing such conditions, have immediate access to all pending and prior criminal
904 offender record information, board of probation records, and police and incident reports related to the
905 person detained, upon oral, telephonic, facsimile or electronic mail request, to the extent practicable, and
906 shall take into consideration such information and the factors listed in this section.

907 For any violation of an order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter
908 209, section 3, 4 or 5 of 209A or section 15 of chapter 209C or any act that would constitute abuse as
909 defined in section 1 of chapter 209A, or a violation of sections 13K, 13M, 13N or 15D of chapter 265, a
910 judge shall, prior to admitting the person, who has attained the age of 18 years, to bail, or modifying an
911 existing order of bail, make a written determination as to whether there are conditions of release that will
912 reasonably assure the safety of the alleged victim or any other individual or the community on the basis of
913 any information which the court can reasonably obtain, the nature and circumstances of the offense
914 charged, the potential penalty the person faces, the person's family ties, employment record and history of

915 mental illness, the person's reputation, the risk that the person will obstruct or attempt to obstruct justice
916 or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror,
917 the person's record of convictions, if any, any illegal drug distribution or present drug dependency,
918 whether the person is on bail pending adjudication of a prior charge, whether the acts alleged involve
919 abuse as defined in section 1 of chapter 209A, violation of a temporary or permanent order issued
920 pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A
921 or section 15 of chapter 209C, whether the person has any history of issuance of such orders pursuant to
922 the aforesaid sections, whether the person is on probation, parole or other release pending completion of
923 sentence for any conviction and whether the person is on release pending sentence or appeal for any
924 conviction. The judge shall have immediate access to all pending and prior criminal offender record
925 information, board of probation records, and police and incident reports related to the person detained,
926 upon oral, telephonic, facsimile or electronic mail request. If, after an evaluation of all factors set forth in
927 this paragraph, a written determination is made that there are conditions of release that will reasonably
928 assure the safety of the alleged victim, any other individual and the community, the judge shall impose
929 such conditions of release. If, after an evaluation of all factors set forth in this paragraph, a written
930 determination is made that there are no conditions of release that will reasonably assure the safety of the
931 alleged victim or any other individual or the community, the person shall be held and transferred
932 automatically, and without a motion from the commonwealth, for an appearance and hearing pursuant to
933 section 58A at the next sitting of the court; provided, however, that the commonwealth may decline such
934 a hearing and instead proceed under section 58 and request cash bail or under section 58B revocation of
935 release. The person shall, prior to admittance, be provided with informational resources related to
936 domestic violence by the person admitting the arrestee to bail, which shall include, but is not limited to, a
937 list of certified batterer intervention programs located within or near the court's jurisdiction. If the
938 defendant is released on bail from the place of detention, a reasonable attempt shall be made to notify the
939 victim of the defendant's release by the arresting police department. If the defendant is released on bail by
940 order of a court, a reasonable attempt shall be made to notify the victim of the defendant's release by the
941 district attorney.

942 Notwithstanding the previous paragraph, where a judge admits a person to bail sooner than 6
943 hours after arrest the commonwealth may move to postpone arraignment, for the purpose of assembling
944 the record, for not more than 3 hours for a person charged with violation of an order issued pursuant to
945 section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or section
946 15 of chapter 209C, or a violation of section 13K, 13M, 13N or 15D of chapter 265.

947 SECTION 39. Section 58A of said chapter 276, as so appearing, is hereby amended by inserting
948 after the figure '(3)', in line 29, the following words:- ; provided, however, a person who has attained the
949 age of 18 years arrested and charged with a violation of an order issued pursuant to section 18 or 34B of
950 chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 of chapter 209C or
951 any act that would constitute abuse as defined in section 1 of said chapter 209A, or a violation of section
952 13M of chapter 265 shall not be admitted to bail sooner than 6 hours after arrest and every effort shall be
953 made to assess bail no more than 8 hours after the arrest.

954 'SECTION 40. Said section 58A of said chapter 276, as so appearing, is hereby further amended
955 by striking out, in line 92, the word 'ninety' and inserting in place thereof the words 'one hundred and
956 twenty'.

957 SECTION 41. The second paragraph of subsection (4) of said section 58A of said chapter 276, as
958 so appearing, is hereby amended by inserting after the fifth sentence the following sentence:- Prior to the
959 summons of an alleged victim, or a member of the alleged victim's family, to appear as a witness at the
960 hearing, the person shall demonstrate to the court, ex-parte and under oath, a good faith basis for the
961 person's reasonable belief that the testimony from the witness will support a conclusion that there are
962 conditions of release that will reasonably assure the safety of any other person or the community. Such
963 ex-parte motion and hearing shall be impounded.

964 SECTION 42. Said section 58A of said chapter 276, as so appearing, is hereby further amended
965 by inserting after the word 'hearing', in line 115, the following words:- , and the judge shall consider
966 hearsay contained in a police report or the statement of an alleged victim or witness.

967 SECTION 43. The second paragraph of subsection (4) of said section 58A of said chapter 276, as
968 so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
969 following sentence:- The hearing may be reopened before or after a determination by the judge, at any
970 time before trial, upon a motion of the commonwealth or the person detained and a finding by the judge
971 that information exists that was not known at the time of the hearing or that there has been a change in
972 circumstances, and that such information or change in circumstances has a material bearing on the issue
973 of whether there are conditions of release that will reasonably assure the safety of any other person or the
974 community.

975 SECTION 44. Said section 58A of said chapter 276, as so appearing, is hereby further amended
976 inserting after the word 'conviction', in lines 153 and 154, the following words:- ; provided, however,
977 that if the person who has attained the age of 18 years is held under arrest for a violation of an order
978 issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of 209A or
979 section 15 of chapter 209C or any act that would constitute abuse as defined in section 1 of said chapter
980 209A or a violation of sections 13K, 13M, 13N or 15D of chapter 265, said justice shall make a written
981 determination as to the considerations required by this subsection.

982 SECTION 45. Said section 58A of said chapter 276, as so appearing is hereby further amended
983 by adding the following subsection:-

984 (8) If, after a hearing pursuant to subsection (4), detention pursuant to subsection (3) is ordered or
985 pretrial release subject to conditions under subsection (2) is ordered, then:

986 (A) the clerk shall immediately notify the probation officer of the order; and

987 (B) the order of detention pursuant to subsection (3) or order of pretrial release subject to
988 conditions pursuant to subsection (2) shall be recorded in the defendant's criminal record as compiled by
989 the commissioner of probation pursuant to section 100.

990 SECTION 46. Section 58B of said chapter 276, as so appearing, is hereby amended by striking
991 out, in line 2, the words 'section 58 or section 58A' and inserting in place thereof the following words:-
992 section 42A, 58, or 58A.

993 SECTION 47. The executive office of public safety and security shall, in consultation with the
994 court administrator, adopt rules and regulations for: (i) the standardization and dissemination to the

995 district attorney, assistant district attorney, defense counsel and presiding justice, of an individual's
996 criminal and civil court history, which shall include, at a minimum, (1) a record of a dangerousness
997 hearing pursuant to section 58A of chapter 276 of the General Laws, whether or not a dangerousness
998 determination was made; (2) pretrial detention or release conditions as agreed to pursuant to said section
999 58A of said chapter 276; (3) all temporary or permanent restraining orders and affidavits issued pursuant
1000 to section 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section
1001 15 of chapter 209C of the General Laws; (4) any violation of such temporary or permanent restraining
1002 orders; (5) a misdemeanor or felony involving abuse, as defined in section 1 of said chapter 209A; (6) any
1003 written findings of fact issued pursuant to sections 42A, 56A, 57, 58 and 58A of said chapter 276; (7) any
1004 records concerning persons on probation maintained by the commissioner of probation pursuant to section
1005 100 of said chapter 276, including any out-of-state criminal record; and (8) any other information
1006 maintained in and disseminated in accordance with the statewide domestic violence record keeping
1007 system maintained by the commissioner of probation; and (ii) updating the collection, storage, access,
1008 dissemination, content and use of criminal offender record information to reflect the inclusion of
1009 dangerousness hearing information pursuant to subsection (8) of said section 58A of said chapter 276.

1010 SECTION 48. The chief administrator of the trial court department, in conjunction with the
1011 commissioner of probation, the Massachusetts office for victim assistance, the colonel of state police,
1012 Jane Doe, Inc., and local community-based domestic violence, rape, and sexual assault service providers
1013 selected by Jane Doe, Inc., shall develop and implement, subject to appropriation, a program for the
1014 dissemination of information on domestic violence and sexual violence prevention services available
1015 within each county to: (i) individuals filing a complaint pursuant to sections 3, 4 or 5 of chapter 209A of
1016 the General Laws; (ii) parties subject to an order issued pursuant to section 18 or 34B of chapter 208,
1017 section 32 of chapter 209 of the General Laws, said chapter 209A or section 15 of chapter 209C of the
1018 General Laws; (iii) persons held under arrest for an offense set forth in subsection (1) of section 58A
1019 chapter 276 of the General Laws, which involves abuse, as defined in section 1 of said chapter 209A; and
1020 (iv) any other similarly situated individual accessing a court within that county.

1021 SECTION 49. The department of elementary and secondary education shall develop and produce
1022 educational materials on domestic violence, teen dating violence, and healthy relationships, which shall
1023 be distributed annually to students in grades 9 to 12, inclusive. Such educational materials shall be
1024 utilized as part of the required health curriculum on safe and healthy relationships required by section 1 of
1025 chapter 71 of the General Laws.

1026 SECTION 50. School districts or charter schools may provide teen dating violence prevention
1027 education as part of the health education program it provides to students in grades five through twelve.
1028 Each school district or charter school may establish a curriculum or materials to address this issue, which
1029 may be used by school districts. School districts and charter schools may use school personnel or outside
1030 consultants for the education.

1031 School districts and charter schools may establish and implement an age-appropriate curriculum
1032 to educate students about domestic violence. A domestic violence curriculum may contain components to
1033 raise awareness, promote healthy behaviors in relationships, allow students to identify behaviors
1034 associated with an abuser. A curriculum may also contain an emphasis on the primary prevention of
1035 violence perpetration.

1036 A curriculum may also address the risk factors for perpetration of domestic violence and contain
1037 information about behavior that may occur with domestic violence. In addition, it may advise students
1038 about the physical and mental injuries that may occur. A curriculum may include information about how
1039 victims may seek assistance or how friends or families of victims may assist them.

1040 A school district or charter school may cooperate with other governmental, nonprofit, or private
1041 entities, to develop a curriculum.

1042 SECTION 51. Any funds remaining in the Domestic Violence Prevention and Victim Assistance
1043 Fund established pursuant to said section 14 of chapter 258B of the General Laws shall be transferred to
1044 the General Fund on or before June 30, 2017.

1045 SECTION 52. The department of elementary and secondary education shall develop a pilot
1046 instructional initiative, to be administered by the Katie Brown Educational Program, Inc. The program
1047 shall consist of professional development workshops throughout the school year, for the purposes of
1048 informing and educating those in attendance about the problems and challenges of relationship violence in
1049 their schools, and use the venue as an opportunity to begin to address the issues and teach safe and
1050 healthy alternatives to violence in their schools.

1051 SECTION 53. Sections 19 to 25, inclusive, shall take effect on July 1, 2014.

1052 SECTION 54. Sections 1, 5, 8 and 17 shall take effect on January 1, 2015.

1053 SECTION 55. Section 26 shall take effect on June 30, 2017.

1054 SECTION 56. There is hereby established a special commission for the purposes of examining
1055 the housing and shelter options available to victims of domestic violence and exploring various options
1056 for expanding such resources through legislation. As a part of its study, the commission shall examine
1057 the feasibility and costs associated with establishing a tax incentive to be available to hotels and motels
1058 offering free rooms to victims of domestic violence, and the possibility of creating a database of
1059 participating hotels and motels through the Massachusetts office of victim assistance which would be
1060 made available only to victim advocacy groups that directly assist domestic violence victims in obtaining
1061 housing. The commission shall consist of the executive director of the Massachusetts office of victim
1062 assistance or designee, who shall serve as chair; the secretary of public safety and security or a designee;
1063 the secretary of housing and community development or a designee; the commissioner of the department
1064 of public health or a designee; one member of the senate, appointed by the senate president; one member
1065 of the senate, appointed by the senate minority leader; one member of the house of representatives,
1066 appointed by the speaker of the house; one member of the house of representatives, appointed by the
1067 house minority leader; the president of the Massachusetts District Attorneys Association or designee; the
1068 commissioner of revenue, or a designee; a representative of the Massachusetts Lodging Association;
1069 three members of victim advocacy groups, appointed by the governor. The commission shall submit its
1070 report and findings, along with any draft of legislation, to the house and senate committees on ways and
1071 means, the joint committee on the judiciary, and the clerks of the house of representatives and the senate
1072 on or before December 31, 2014.

1073 SECTION 57. The executive office of public safety and security, in conjunction with the district
1074 attorneys, shall develop a report to be sent to the clerks of the house and senate, the house and senate

1075 committees on ways and means, the joint committee on public safety and homeland security, and the joint
1076 committee on the judiciary. The report shall contain, but not be limited to, comprehensive information
1077 and statistics related to domestic violence crimes and arrests and prosecutions of domestic violence
1078 related offenses, including dangerousness hearings, to serve as an examination of the effectiveness of the
1079 commonwealth's domestic violence laws. The report shall include data collection following the
1080 implementation of this act, and be issued no later than July 31, 2015.

1081 SECTION 58. Section 25 of chapter 279 of the General Laws, as appearing in the 2012 Official
1082 Edition, is hereby amended by inserting after the words 'section 15A', the following:- subsection (c) of
1083 section 15D."; by inserting before the enacting clause the following emergency preamble:

1084 "*Whereas*, the deferred operation of this act would tend to defeat its purpose which is to establish
1085 forthwith certain provisions against domestic violence, therefore it is hereby declared to be an emergency
1086 law, necessary for the immediate preservation of the public safety."; and by striking out the title and
1087 inserting in place thereof the following title: "An Act relative to domestic violence."