

HOUSE No. 02160

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing for protection from domestic violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

HOUSE No. 02160

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2160) of Provost and others relative to providing for protection from domestic violence Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing for protection from domestic violence.

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

1 SECTION 1. Section 13A of chapter 265 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after the words “chapter 209C,” in line 17, the
3 following:-

4 or section 42A, 58, or 58A of chapter 276

5 SECTION 2. Section 13A of chapter 265 of the General Laws, as appearing in the 2008 Official
6 Edition, is hereby further amended by inserting after the existing subparagraph (iii), a new
7 subparagraph (iv) as follows:-

8 (iv) upon another who is a family or household member after previously being convicted of:
9 any offense under chapter 265; arson of a dwelling as set forth in section 1 of chapter 266; arson
10 as set forth in section 2 of chapter 266; attempted arson as set forth in section 5A of chapter 266;
11 armed burglary as set forth in section 14 of chapter 266; unarmed burglary as set forth in section

12 15 of chapter 266; breaking and entering in the nighttime as set forth in section 16 of chapter
13 266; breaking and entering in the daytime as set forth in section 17 of chapter 266; malicious
14 explosion as set forth in section 101 of chapter 266; willful throwing or placing of explosives at
15 or near persons or property as set forth in section 102 of chapter 266; possession of an infernal
16 machine as set forth in section 102A of chapter 266; malicious destruction of property as set
17 forth in section 127 of chapter 266; intimidation as set forth in section 13B of chapter 268;
18 unlawful possession of a firearm, machine gun, sawed-off shotgun, large capacity weapon or
19 large capacity feeding device as set forth in section 10 of chapter 269, or an assault weapon as
20 set forth in section 131M of chapter 140; possession, sale or use of a silencer as set forth in
21 section 10A of chapter 269; possession or use of body armor in the commission of a crime as set
22 forth in section 10D of chapter 269; subsequent firearm offense as set forth in section 10G of
23 chapter 269; possession or control of a firearm with serial or identification number removed or
24 mutilated as set forth in section 11B of chapter 269; removal or mutilation of serial or
25 identification numbers of firearms as set forth in section 11C of chapter 269; possession of a rifle
26 or shotgun as set forth in section 12D of chapter 269; discharge of a firearm as set forth in
27 section 12E of chapter 269; enticement as set forth in section 2 of chapter 272; drugging for sex
28 as set forth in section 3 of chapter 272; inducing a minor into prostitution as set forth in section
29 4A of chapter 272; living off of or deriving support from a minor prostitute as set forth in section
30 4B of chapter 272; deriving support from a prostitute as set forth in section 7 of chapter 272;
31 detaining or drugging to detain for prostitution as set forth in section 13 of chapter 272; open and
32 gross conduct as set forth in section 16 of chapter 272; unnatural and lascivious conduct with a
33 child as set forth in section 35A of chapter 272; being a habitual offender as set forth in section
34 25 or 25A of chapter 279, shall be punished by imprisonment in the state prison for not more

35 than 5 years or in the house of correction for not more than 2½ years, or by a fine of not more
36 than \$5,000, or by both such fine and imprisonment.

37 SECTION 3. Section 13A of chapter 265 of the General Laws, as appearing in the 2008 Official
38 Edition, is hereby further amended by inserting after the existing paragraph (c), a new paragraph
39 (d) as follows:-

40 (d) For the purposes of this section, “family or household member” shall mean persons who (i)
41 are married to each other or were married to each other; (ii) are residing together in the same
42 household or were residing together in the same household within the 5 years preceding the date
43 of the alleged offense; (iii) are related by blood; (iv) have a child in common; or (v) are or have
44 been in a substantial dating or engagement relationship within the 5 years preceding the date of
45 the alleged offense. In determining whether a relationship constitutes a substantial dating or
46 engagement relationship, the following factors shall be considered: (A) the length of time of the
47 relationship; (B) the type of relationship; and (C) the frequency of interaction between the
48 parties.

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