

HOUSE No. 00432

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer

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 relative to repeat domestic violence offenders

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>

HOUSE No. 00432

By Mr. James J. Dwyer of Woburn, petition (accompanied by bill, House, No. 00432) of James J. Dwyer and others relative to repeat domestic violence offenders.. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 4527 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to repeat domestic violence offenders

□.

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

1 Chapter 265 of the General Laws is hereby amended by striking out section 13M and inserting in
2 place thereof the following section:-

3 Section 13M. For the purposes of this section family or household members are persons:

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

5 (b) are or were residing together in the same household;

6 (c) are or were related by blood;

7 (d) having a child in common regardless of whether they have ever married or lived together;

8 (e) are or have been in a substantial dating or engagement relationship, which shall be adjudged
9 by district, probate or Boston municipal courts with consideration of the following factors;

10 1. The length of time of the relationship;

11 2. The type of relationship;

12 3. The frequency of interaction between the parties;

13 4. If the relationship; has been terminated by either person, the length of time since the
14 termination of the relationship.

15 For the purposes of this section family household members shall be referred to as domestic

16 (a) Whoever commits an assault or an assault and battery upon another defined as a “domestic”
17 shall be punished by imprisonment for not more that 2 ½ years in a house of correction or

18 (b) By a fine of not more than \$1,000.

19 If a defendant has been previously convicted of a violation of this chapter or a violation of
20 Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction 2 times
21 the defendant shall be punished by imprisonment for not less than 180 days not more than 2 ½
22 years in a house of correction or by imprisonment in a state prison for not less than one year nor
23 more than 5 years, provided however that the sentence imposed upon such person shall not be
24 reduced to less than 90 days, nor suspended that the sentence imposed upon such a person shall
25 not be reduced to less than 90 days, nor suspended, nor shall any such person be eligible for
26 probation, parole, or furlough or receive any deduction from his sentence for good conduct until
27 such person has served 90 days of said sentence. For any conviction of said section, the court
28 shall order the defendant to complete a certified batterer’s intervention program unless, for good

29 cause shown, the court issues specific written findings describing the reasons that batterer's
30 intervention program should not be ordered.

31 If the defendant has been previously convicted of violation of this chapter or a violation of
32 Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction, 3
33 times the defendant shall be punished by imprisonment for not less than 1 year nor more than 2
34 ½ years in a house of correction or by imprisonment in a state prison for not less than 1 year nor
35 more than 10 years, provided however that the sentence imposed upon such person shall not be
36 reduced to less than 1 year, nor suspended, nor shall any such person be eligible for probation,
37 parole, or furlough or receive any deduction from his sentence for good conduct until such
38 person has served 1 year of said sentence.

39 If a defendant has been previously convicted of a violation of this chapter or a violation of
40 Chapter 209A or a like offense by a court of the Commonwealth or any other jurisdiction, 4 or
41 more times the defendant shall be punished by imprisonment for not less than 2 years nor more
42 than 2 ½ years in a house of correction or by imprisonment in a state prison for not less than 2 ½
43 years nor more than 10 years, provided however that the sentence imposed upon such person
44 shall not be reduced to less than 2 years, nor suspended, nor shall any such person be eligible for
45 probation, parole, or furlough or receive any deduction from his sentence for good conduct until
46 such person has served 2 years of said sentence.

47 This act shall take effect upon its passage.