

SENATE . . . . . No. 1019

The Commonwealth of Massachusetts

PRESENTED BY:

Robyn K. Kennedy

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

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

An Act improving protections for sexual assault survivors.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:                        |                  |
|----------------------------|--|------------------|
| <i>Robyn K. Kennedy</i>    | <i>First Worcester</i>                   |                  |
| <i>Rebecca L. Rausch</i>   | <i>Norfolk, Worcester and Middlesex</i>  | <i>1/23/2023</i> |
| <i>Susannah M. Whipps</i>  | <i>2nd Franklin</i>                      | <i>1/25/2023</i> |
| <i>Jack Patrick Lewis</i>  | <i>7th Middlesex</i>                     | <i>1/26/2023</i> |
| <i>Jason M. Lewis</i>      | <i>Fifth Middlesex</i>                   | <i>2/7/2023</i>  |
| <i>Mark C. Montigny</i>    | <i>Second Bristol and Plymouth</i>       | <i>2/7/2023</i>  |
| <i>James K. Hawkins</i>    | <i>2nd Bristol</i>                       | <i>2/8/2023</i>  |
| <i>Walter F. Timilty</i>   | <i>Norfolk, Plymouth and Bristol</i>     | <i>2/8/2023</i>  |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/9/2023</i>  |
| <i>Anne M. Gobi</i>        | <i>Worcester and Hampshire</i>           | <i>2/21/2023</i> |
| <i>Paul R. Feeney</i>      | <i>Bristol and Norfolk</i>               | <i>3/2/2023</i>  |

**SENATE . . . . . No. 1019**

By Ms. Kennedy, a petition (accompanied by bill, Senate, No. 1019) of Robyn K. Kennedy, Rebecca L. Rausch, Susannah M. Whipps, Jack Patrick Lewis and other members of the General Court for legislation to improve protections for sexual assault survivors. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act improving protections for sexual assault survivors.

*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. Subsection (ii)(B) of the third paragraph of section 1 of chapter 258E of the  
2 General Laws (entitled “Harassment”), is hereby amended by inserting after the word “43A” the  
3 following words: - “50 or 51”

4 SECTION 2. Section 3 of Chapter 258E of the General Laws is hereby amended by  
5 striking out subsection (a), and inserting in place thereof the following subsection: -

6 (a) A person suffering from harassment may file a complaint in the appropriate court  
7 requesting protection from such harassment. A person may petition the court under this chapter  
8 for an order including but not limited to the following: that the defendant:

9 (i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult or  
10 minor;

11 (ii) refrain from contacting the plaintiff, unless authorized by the court, whether the  
12 defendant is an adult or minor;

13 (iii) remain away from the plaintiff's household or workplace, whether the defendant is an  
14 adult or minor;

15 (iv) remain away from plaintiff if complaints are based on an act or acts that:

16 (A) by force, threat or duress causes another to involuntarily engage in sexual relations;

17 or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43, 43A, 50

18 or 51 of chapter 265 or section 3 of chapter 272

19 (v) pay the plaintiff monetary compensation for the losses suffered as a direct result of  
20 the harassment; provided, however, that compensatory damages shall include, but shall not be  
21 limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost  
22 of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and  
23 reasonable attorney's fees.

24 SECTION 3. Chapter 258E of the General Laws is hereby amended by inserting after  
25 section 4 of chapter 258E the following sections: -

26 Section 4A. Order for suspension and surrender of firearms license; surrender of  
27 firearms; petition for review; hearing

28 Upon issuance of a temporary or emergency order under section five of this chapter, the  
29 court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse,  
30 order the immediate suspension and surrender of any license to carry firearms and or firearms  
31 identification card which the defendant may hold and order the defendant to surrender all

32 firearms, rifles, shotguns, machine guns and ammunition which the defendant then controls,  
33 owns or possesses in accordance with the provisions of this chapter and any license to carry  
34 firearms or firearms identification cards which the defendant may hold shall be surrendered to  
35 the appropriate law enforcement officials in accordance with the provisions of this chapter and,  
36 said law enforcement official may store, transfer or otherwise dispose of any such weapon in  
37 accordance with the provisions of section 129D of chapter 140; provided however, that nothing  
38 herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other  
39 than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the  
40 copy of abuse prevention order served on the defendant pursuant to section seven. Law  
41 enforcement officials, upon the service of said orders, shall immediately take possession of all  
42 firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any

43 firearms identification cards in the control, ownership, or possession of said defendant.

44 Any violation of such orders shall be punishable by a fine of not more than five thousand dollars,  
45 or by imprisonment for not more than two and one-half years in a house of correction, or by both  
46 such fine and imprisonment. Any defendant aggrieved by an order of surrender or suspension as  
47 described in the first sentence of this section may petition the court which issued such suspension  
48 or surrender order for a review of such action and such petition shall be heard no later than ten  
49 court business days after the receipt of the notice of the petition by the court. If said license to  
50 carry firearms or firearms identification card has been suspended upon the issuance of an order  
51 issued pursuant to section five or six, said petition may be heard contemporaneously with the  
52 hearing specified in the second sentence of the second paragraph of section five. Upon the filing  
53 of an affidavit by the defendant that a firearm, rifle, shotgun, machine gun or ammunition is  
54 required in the performance of the defendant's employment, and upon a request for an expedited

55 hearing, the court shall order said hearing within two business days of receipt of such affidavit  
56 and request but only on the issue of surrender and suspension pursuant to this section.

57 Section 4B: Continuation or modification of order for surrender or suspension

58 Upon the continuation or modification of an order issued pursuant to section 4A or upon  
59 petition for review as described in section 4A, the court shall also order or continue to order the  
60 immediate suspension and surrender of a defendant's license to carry firearms and firearms  
61 identification card and the surrender of all firearms, rifles, shotguns, machine guns or  
62 ammunition which such defendant then controls, owns or possesses if the court makes a  
63 determination that the return of such license to carry firearms and firearm identification card or  
64 firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of abuse to the  
65 plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long  
66 as the restraining order to which it relates is in effect; and, any law enforcement official to whom  
67 such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in  
68 accordance with the provisions of section 129D of chapter 140; provided, however, that nothing  
69 herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other  
70 than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than  
71 \$5,000 or by imprisonment for not more than two and one-half years in a house of correction or  
72 by both such fine and imprisonment.

73 SECTION 4. Chapter 258E of the General Laws is hereby amended by adding after  
74 section 12 the following section: - Section 13. Possession, care and control of domesticated  
75 animal owned by persons involved in certain protective orders; notice to law enforcement upon  
76 finding of imminent threat to household member or animal

77 Section 13.

78 (a) Whenever the court issues a temporary or permanent vacate, stay away, restraining or  
79 no contact order or a judgment under section 18, 34B or 34C of chapter 208, or under section 32  
80 of chapter 209, or under section 3, 4 or 5 of this chapter, or under section 15 or 20 of chapter  
81 209C, or under section 3 to 7, inclusive, of chapter 258E or a temporary restraining order or  
82 preliminary or permanent injunction relative to a domestic relations, child custody, domestic  
83 abuse or abuse prevention proceeding, the court may order the possession, care and control of  
84 any domesticated animal owned, possessed, leased, kept or held by either party or a minor child  
85 residing in the household to the plaintiff or petitioner. The court may order the defendant to  
86 refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing,  
87 harming or otherwise disposing of such animal.

88 (b) A party to any proceeding listed in subsection (a) may petition the court for an order  
89 authorized by said subsection (a).

90 (c) Whenever the court issues a warrant for a violation of a temporary or permanent  
91 vacate, stay away, restraining or no contact order or a judgment issued under section 18, 34B or  
92 34C of chapter 208, or under section 32 of chapter 209, or under section 3, 4 or 5 of this chapter,  
93 or under section 15 or 20 of chapter 209C, or section 3 to 7, inclusive, of chapter 258E or  
94 otherwise becomes aware that an outstanding warrant for such a violation has been issued against  
95 a person before the court, the judge may make a finding, based upon the totality of the  
96 circumstances, as to whether there exists an imminent threat of bodily injury to any party to such  
97 judgment or the petitioner of any such protective order, a member of the petitioner's family or  
98 household or to a domesticated animal belonging to the petitioner or to a member of the

99 petitioner's family or household. If the court makes a finding that such an imminent threat of  
100 bodily injury to a person or domesticated animal exists, the court shall notify the appropriate law  
101 enforcement officials of such finding and the law enforcement officials shall take all necessary  
102 actions to execute any such outstanding warrant as soon as is practicable.