SD02136 – 11/21/2011

SENATE . . . . . . No. *02080*

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven.

SECTION 1. Subsection (a) of section 178E of chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following sentence:-

The board shall notify the sex offender and the local police department in the city or town in which such sex offender lives or intends to live, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender has a secondary address, works or attends an institution of higher learning, that the offender must report in person to that police department, within 2 days of release from custody, to register.

SECTION 1A. Section 178F ½ of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:-

An incarcerated sex offender finally classified by the board as a level 2 or a level 3 sex offender who is required to register pursuant to sections 178C to 178P, inclusive, shall appear in person within 2 days of release from custody at the local police department in the city or town in which such sex offender lives, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex offender has a secondary address, works or attends an institution of higher learning, to register. A sex offender finally classified by the board as a level 2 or a level 3 sex offender who is required to register pursuant to sections 178C to 178P, inclusive, shall appear in person annually at the local police department in the city or town in which such sex offender lives, or if such sex offender does not reside in the commonwealth, in the city or town in which such sex

offender has a secondary address, works or attends an institution of higher learning, to verify that the registration data on file remains true and accurate.

SECTION 1B. Section 3 of chapter 22E of the General Laws, as so appearing, is hereby amended by inserting, after the first sentence, the following sentence:-

The trial court and probation department shall work in conjunction with the director to establish and implement a system for the electronic notification to the department whenever a person is convicted of an offense that requires the submission of a DNA sample under this section.

SECTION 2. Section 4 of said chapter 22E, as so appearing, is hereby amended by striking out, in line 3, the words “Only a” and inserting in place thereof the following word: - A.

SECTION 2A. Section 4 of said chapter 22E, as so appearing, is hereby further amended by striking out, in line 5, the word “licensed” and inserting in place thereof the following word: - approved.

SECTION 3. Said section 4 of said chapter 22E, as so appearing, is hereby further amended by inserting after the word “including”, in lines 7 and 8, the following words:- buccal swabs and.

SECTION 4. Section 11 of said chapter 22E, as so appearing, is hereby amended by striking out, in line 2, the words “refuses to provide such DNA sample”, and inserting in place thereof the following words:- fails to provide such DNA sample within 1 year of conviction, adjudication or release from custody, as required by section 3, whichever occurs first.

SECTION 4A. The first paragraph of section 4 of chapter 27 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The governor may, with the advice and consent of the council, remove members from the board for cause, upon a written certification of such cause, provided that such member shall have the right to notice and the opportunity for a public hearing before the council relative to such removal.

SECTION 4B. Section 4 of chapter 27 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 6, the word "five", and inserting in place thereof the following figure:- 9.

SECTION 4C. Said section 4 of said chapter 27, as so appearing, is hereby further amended by inserting after the word "association,", in line 8, the following words:- “1 person chosen from a list of 3 nominees submitted by the Massachusetts District Attorneys Association, 1 person chosen from a list of 3 nominees submitted by the

committee for public counsel services, 1 person chosen from a list of 3 nominees submitted by the Prisoners' Legal Services and 1 member from local law enforcement.

SECTION 4D. Paragraph 2 of section 4 of chapter 27 of the General Laws, as so appearing, is hereby amended by inserting, after the third sentence, the following sentence:- At least 1 person on said list shall be a professional with not less than 5 years of experience and training in adolescent development and psychology, and shall be selected from a list of proposed nominees provided by the following organizations: the Massachusetts Chapter, American Academy of Pediatrics, Inc.; the New England Council of Child and Adolescent Psychiatry, Inc.; the Massachusetts Psychological Association, Inc.; and the Massachusetts Psychiatric Society, Inc.

SECTION 4E. Section 4 of chapter 27 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word "Association,", in line 30, the following words:- a victim witness advocate, provided that such victim representative is otherwise qualified as provided for above,.

SECTION 4F. The second paragraph of said section 4 of said chapter 27, as so appearing, is hereby amended by adding the following sentence:-

Notwithstanding this section, 1 member of the parole board shall be a victim witness advocate.

SECTION 5. Section 5 of chapter 27 of the General Laws, as so appearing, is hereby amended by inserting after the word "require", in line 33, the following words:- ; and (i) administer and oversee mandatory post-release supervision functions as set forth in subsection (a) of section 133D of chapter 127 and in chapter 127A.

SECTION 5A. Section 19 of chapter 94C of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(d) Naloxone or other opioid antagonist may lawfully be prescribed and dispensed to a person at risk of experiencing an opiate-related overdose or a family member, friend or other person in a position to assist a person at risk of experiencing an opiate-related overdose. For purposes of this chapter and chapter 112, any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

SECTION 6. Subsection (b) of section 32 of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out, in lines 15, 17 and 20, the word "five" and inserting in place thereof, in each instance, the following figure:- 3½.

SECTION 7. Subsection (b) of section 32A of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 15 and 18, the word “three” and inserting in place thereof, in each instance, the following figure:- 2.

SECTION 8. Subsection (d) of said section 32A of said chapter 94C, as so appearing, is hereby amended by striking out, in line 42, the word “five” and inserting in place thereof the following figure:- 3½.

SECTION 9. Subsection (b) of section 32B of said chapter 94C, as so appearing, is hereby amended by striking out, in line 16, the word “two” and inserting in place thereof the following words:- 18 months.

SECTION 10. Said subsection (b) of said section 32B of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 19, the words “two years” and inserting in place thereof the following words:- 18 months.

SECTION 11. Paragraph (2) of subsection (a) of section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 19 and 21, the word “three” and inserting in place thereof, in each instance, the following figure:- 2.

SECTION 12. Paragraph (3) of said subsection (a) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in line 27 and in line 29, the first time it appears, the word “five” and inserting in place thereof, in each instance, the following figure:- 3½.

SECTION 13. Paragraph (4) of said subsection (a) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 33 and 35, the word “ten” and inserting in place thereof, in each instance, the following figure:- 8.

SECTION 13A. Subsection (b) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 43 and 45, the word “fourteen” and inserting in place thereof, in each instance, the following figure:- 18.

SECTION 14. Subsection (b) of said section 32E of said chapter 94C, as so appearing, is hereby further amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) Eighteen grams or more but less than 36 grams, be punished by a term of imprisonment in the state prison for not less than 2 nor more than 15 years. No sentence imposed under the provisions of this clause shall be for less than a minimum term of imprisonment of 2 years, and a fine of not less $2,500 nor more than $25,000 may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 15. Subsection (b) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) Thirty-six grams or more, but less than 100 grams, be punished by a term of imprisonment in the state prison for not less than 3½ nor more than 20 years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of 3½ years, and a fine of not less than $5,000 nor more than $50,000 may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 16. Paragraph (3) of said subsection (b) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in line 65 and in line 67, the first time it appears, the word “ten” and inserting place thereof, in each instance, the following figure:- 8.

SECTION 17. Paragraph (4) of subsection (b) of section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 71 and 73, the word “fifteen” and inserting place thereof, in each instance, the following figure:- 12.

SECTION 17A. Subsection (c) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 81 and 83, the word “fourteen” and inserting in place thereof, in each instance, the following figure:- 18.

SECTION 18. Subsection (c) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following 2 paragraphs:-

(1) Eighteen grams or more but less than 36 grams, be punished by a term of imprisonment in the state prison for not less than 3½ nor more than 20 years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of 3½ years and a fine of not less than $5,000 nor more than $50,000 may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) Thirty-six grams or more but less than 100 grams, be punished by a term of imprisonment in the state prison for not less than 5 nor more than 20 years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of 5 years and a fine of not less than $5,000 nor more than $50,000 may be imposed, but not in lieu of the mandatory minimum term of imprisonment, as established herein.

SECTION 19. Paragraph (3) of said subsection (c) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in line 104 and in line 106, the first time it appears, the word “ten” and inserting place thereof, in each instance, the following figure:- 8.

SECTION 20. Paragraph (4) of said subsection (c) of said section 32E of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 111 and 113, the word “fifteen” and inserting place thereof, in each instance, the following figure:- 12.

SECTION 20A. Section 32H of said chapter 94C, as so appearing, is hereby amended by striking out, in line 28, the word “or”.;

SECTION 20B. Said section 32H of said chapter 94C, as so appearing, is hereby further amended by inserting after the figure “127”, in line 29,, the following words:- ; or (4) to engage in employment under a work release program under sections 49, 49A, 86F or 86G of chapter 127.

SECTION 21. Section 32J of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “one thousand feet” and inserting in place thereof the following words:- 500 feet.

SECTION 21A. Chapter 94C of the General Laws is hereby amended by inserting, after section 34, the following section:

Section 34A. (a) A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance under section 34 if the evidence for the charge of possession of a controlled substance was gained as a result of the seeking of medical assistance.

(b) A person who experiences a drug related overdose and is in need of medical assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith request for medical assistance, shall not be charged or prosecuted for possession of a controlled substance under said section 34 if the evidence for the charge of possession of a controlled substance was gained as a result of the overdose and the need for medical assistance.

(c) The act of seeking medical assistance for someone who is experiencing a drug related overdose may be used as a mitigating factor in a criminal prosecution under the Controlled Substance Act.

(d) A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for being in possession of a controlled substance under section 35 if the evidence for the charge of being in

possession of a controlled substance was gained as a result of the seeking of medical assistance.

(e) A person who experiences a drug related overdose and is in need of medical assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith request for medical assistance, shall not be charged or prosecuted for being in possession of a controlled substance under section 35 if the evidence for the charge of being in possession of a controlled substance was gained as a result of the overdose and the need for medical assistance.

(f) Nothing contained in this section shall prevent anyone from being charged with trafficking, distribution, or possession of a controlled substance with intent to distribute.

(g) A person acting in good faith may receive a naloxone prescription, possess naloxone, and administer naloxone to an individual appearing to experience an opiate-related overdose.

SECTION 21B. Section 1 of chapter 124 of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(v) promulgate regulations to develop, implement, coordinate and monitor a comprehensive, collaborative, seamless, reentry strategy which promotes successful transition of the offender population to promote public safety and reduce recidivism by collaborating with county, state, community and faith-based agencies in areas including, but not limited to, housing, employment, medical and mental health care, substance abuse treatment, education and related transitioning programming. The reentry process should begin upon an inmate's commitment to the department and continue until the inmate is discharged from supervision into the community.

SECTION 22. Chapter 127 of the General Laws is hereby amended by inserting after section 97B the following section:-

Section 97C. (a) Notwithstanding any general or special law to the contrary, when an inmate, as defined in section 1 of chapter 125, is transferred from a county correctional facility to a state correctional facility or from a state correctional facility to a county correctional facility or between the department of mental health and a state or county correctional facility, including any prisoner transferred pursuant to section 52A of chapter 276, the transferring facility shall provide known medical and mental health information relative to such inmate's recent treatment and information necessary for continuity of care of such inmate to the receiving facility.

(b) Under procedures jointly developed by the commissioner and the commissioner of mental health, a correctional facility and the department of mental health shall share

information relevant to an inmate's recent treatment and information necessary for continuity of care of an inmate who has received services from the department of mental health or who has been identified as in need of such services, for purposes of continuing or providing mental health treatment to such inmate at the custodial facility.

(c) Information shared under this section may be verbal or written. Whenever an inmate is transferred between correctional facilities or between a correctional facility and the department of mental health, correctional facilities shall utilize a form which shall be developed by the commissioner, in consultation with the commissioner of mental health, and such form shall include, but not be limited to: (i) the recent mental health history of an inmate and relevant information necessary for continuity of care of such inmate; (ii) any history of suicide attempt by an inmate; (iii) any acute medical concerns relative to an inmate; (iv) identification of any medication currently prescribed to an inmate and the dosage thereof; (v) any substance abuse history of an inmate; and (vi) any known allergies or dietary restrictions of an inmate. A transferring facility shall provide such information at, or before, the time of an inmate's arrival at the receiving facility, but in no event shall such information be provided more than 72 hours after an inmate's arrival at the receiving facility. In the event of an emergency, a transferring facility shall provide such information to a receiving facility as soon as possible after an inmate's arrival, but in no event shall such information be provided more than 24 hours after an inmate's arrival at the receiving facility.

(d) No privilege or confidentiality provision created by statute or common law and no statute otherwise prohibiting the disclosure of information shall preclude the dissemination of information pursuant to this section; provided, however, that dissemination of information under this section shall not be deemed to constitute a waiver of any privilege or right to confidentiality.

(e) Any person who provides information to a correctional facility or to the department of mental health in accordance with this section shall not be liable in any civil or criminal action for the provision of such information.

(f) Information shared pursuant to this section shall be considered health information and shall not be further disseminated except as provided by regulation of the respective departments for release of health information.

SECTION 23. Chapter 127 of the General Laws is hereby amended by inserting after section 119 the following section:-

Section 119A. Whenever a physician of any state correctional facility certifies that, to a reasonable degree of medical certainty, a prisoner held therein is suffering from an irreversible or terminal medical condition, disease or syndrome, whether due to advanced age or otherwise, and is so debilitated or physically incapacitated that such prisoner is

incapable of presenting a threat to himself or to others, the commissioner may, in his sole discretion, petition the parole board to grant such prisoner a medical release.

No offender sentenced to a maximum term of life imprisonment, no sexually dangerous person, as defined in section 1 of chapter 123A and no sexually violent predator, as defined in section 178C of chapter 6, shall be eligible for medical release. No person adjudicated as a delinquent juvenile or youthful offender by reason of a sex offense or convicted of a sex offense, as defined in section 178C of chapter 6, shall be eligible for medical release until such person has been finally classified by the sex offender registry board.

The authority to grant a medical release shall be solely within the discretion of the parole board. The parole board shall, within 60 days of receipt of a petition from the commissioner, grant such prisoner a hearing before the board and shall consider carefully and thoroughly the question whether a medical release should be granted to such prisoner. The commissioner shall submit to the parole board or to an officer designated by it, all information relative to such certification. The board may grant a medical release upon a determination that such prisoner will live and remain at liberty without violating the law if released and that such release is not incompatible with the welfare of society. No prisoner shall be deemed to have a right to medical release or to a medical evaluation to determine eligibility for such release. The chairman of the parole board shall adopt such policies and procedures as are necessary to implement this section. The commissioner shall facilitate appropriate community placement for a prisoner granted a medical release by the parole board pursuant to this section.

Notwithstanding any general or special law to the contrary, no physician or employer of a physician who provides a medical diagnosis pursuant to this section shall be held jointly or severally liable, either as an institution or personally, for a medical diagnosis offered pursuant to this section, provided that such diagnosis was made in good faith, and shall be afforded absolute immunity from civil and criminal liability for the provision of such good faith diagnosis pursuant to this section.

SECTION 24. Section 129D of chapter 127 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 14, the words “two and one-half” and inserting in place thereof the following figure:- 5.

SECTION 25. Said section 129D of said chapter 127, as so appearing, is hereby further amended by striking out, in line 19, the words “seven and one-half” and inserting in place thereof the following figure:- 10.

SECTION 26. The first paragraph of said section 129D of said chapter 127, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following 3 sentences:- For a prisoner’s successful completion of a

program or activity requiring 6 months of satisfactory participation, as designated by the commissioner, the commissioner may grant an additional deduction of sentence of up to 10 days, to be deducted in the month during which successful completion of the designated program or activity is achieved. Such further deduction of sentence shall be added to any deduction to which the prisoner is entitled under said section 129C for reducing the term of imprisonment by deduction from the maximum term for which he may be held under his sentence or sentences, and for reducing from the minimum term of the sentence or sentences the good conduct credits earned under this section for parole eligibility as provided under section 133. No prisoner shall be eligible for a reduced sentence under this section unless they have satisfied both the requirements of the program or activity and demonstrated competency in the material as determined by the commissioner.

SECTION 27. Section 130 of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 5 sentences:- No prisoner shall be granted a parole permit merely as a reward for good conduct. Permits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the such prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society. In making this determination, the parole board shall consider whether, during the period of incarceration, the prisoner has participated in available work opportunities and education or treatment programs and demonstrated good behavior. The board shall also consider whether risk reduction programs, made available through collaboration with criminal justice agencies would minimize the probability of the prisoner re-offending once released. The record of the board's decision shall contain a summary statement of the case indicating the reasons for the decision, including written certification that each board member voting on the issue of granting a parole permit has reviewed the entire criminal record of the applicant, as well as the number of members voting in favor of granting a parole permit and the number of members voting against granting a parole permit.

SECTION 28. Said section 130 of said chapter 127, as so appearing, is hereby further amended by striking out, in line 8, the words "and shall be available to the public" and inserting in place thereof the following words:- , be available to the public and, to the extent reasonably practicable, be available for public inspection on the internet; provided, however, that if not practicable, the board shall make available on the internet the reasons it was not practicable.

SECTION 29. Section 133A of said chapter 127, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following 3 sentences:- Every prisoner who is serving a sentence for life in a correctional institution of the

commonwealth, except prisoners confined to the hospital at the Massachusetts Correctional Institution, Bridgewater, except prisoners serving a life sentence for murder in the first degree and except prisoners serving more than 1 life sentence, shall be eligible for parole at the expiration of the minimum term fixed by the court under section 24 of chapter 279. The parole board shall, within 60 days before the expiration of such minimum term, conduct a public hearing before the full membership unless a member of the board is determined to be unavailable as provided in this section. Notwithstanding the previous sentence, the board may postpone a hearing until 30 days before the expiration of such minimum term, if the interests of justice so require and upon publishing written findings of the necessity for such postponement.

SECTION 30. Section 133A of said chapter 127, as so appearing, is hereby further amended by striking out, in lines 29 and 35, the words “a majority”, and inserting in place thereof, in each instance, the following word:- two-thirds.

SECTION 30A. Section 133A of said chapter 127, as so appearing, is hereby amended by inserting after the word “procedure”, in line 28, the following words:- provided however, that no hearing shall take place until the parole board has certified in writing that it has complied with the notification requirements of this paragraph, a copy of which shall be included in the record of such proceeding; and provided further, that this paragraph shall also apply to any parole hearing for an applicant who was convicted of a crime under clause (i) of subsection (b) of section 25 of chapter 279 and sentenced and committed to prison for 5 or more years for such crime and does not show that a pardon has been issued for the crime.

SECTION 31. Section 133B of said chapter 127, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The parole board shall, within 60 days before the expiration of two-thirds of the maximum sentence of a prisoner sentenced under section 25 of chapter 279, and thereafter at least once in each ensuing 2-year period, consider carefully and thoroughly the merits of releasing such person on parole except for a habitual offender sentenced under subsection (b) of section 25 of chapter 279 and a prisoner sentenced to a term of imprisonment as prescribed by the sentencing guidelines established by the sentencing commission.

SECTION 32. Said section 133B of said chapter 127, as so appearing, is hereby further amended by adding the following paragraph:-

Habitual offenders sentenced under subsection (b) of said section 25 of said chapter 279 shall not be eligible for parole, work release or furlough or receive any deduction from such person’s sentence for good conduct.

SECTION 33. Section 136 of said chapter 127, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Notwithstanding the previous

sentence, the board may postpone a hearing until 30 days before a prisoner first becomes eligible for parole, if the interests of justice so require and upon publishing written findings of the necessity for such postponement.

SECTION 34. The General Laws are hereby amended by inserting after chapter 127 the following chapter:-

CHAPTER 127A

MANDATORY POST-RELEASE SUPERVISION

Section 1. All sentences of incarceration to state prison shall include a period of post-release supervision, excluding sentences for those prisoners for whom parole eligibility is determined by section 133A of chapter 127. Except as provided in this chapter, for individuals who complete the incarceration portion of their sentences without supervised release or who are re-incarcerated for the remainder of their sentences for having violated the terms of parole or probation, the period of mandatory post-release supervision shall be 25 per cent of the maximum term of incarceration imposed at sentencing, but in no case less than 9 months nor more than 2 years. If a prisoner is sentenced to incarceration on multiple offenses and the sentences therefore are to be served concurrently, the greatest of the maximum term imposed at sentencing shall be used to calculate the mandatory post-release supervision period. Mandatory post-release supervision shall not be imposed upon any individual who: successfully completed a period of probation imposed by a court at sentencing; was granted a parole permit under chapter 127 and successfully completed a period of parole supervision; or has been sentenced to lifetime community parole under section 45 of chapter 265 or section 178H of chapter 6 and is being supervised under section 133D of chapter 127. An individual subject to this chapter may be supervised in another jurisdiction in accordance with sections 151A to 151N, inclusive, of chapter 127 and shall be considered on parole for the purposes of section 2.

Section 2. Upon an individual’s release from incarceration in a state prison for a sentence of any length, such individual shall be subject to the supervision and jurisdiction of the parole board during the period of mandatory post-release supervision and shall be subject to the law, rules and regulations governing parole. The chairman of the parole board shall establish regulations for post-release supervision consistent with chapters 27 and 127. Such regulations shall: (1) establish supervision levels based on risk-needs assessments, ranging from minimum parole supervision for low-risk parolees to maximum parole supervision of high-risk parolees, with a focus on reducing the risk posed by high-risk parolees; (ii) include the use of graduated and intermediate sanctions as appropriate in response to non-criminal violations of parole conditions and, in the discretion of the board, for low-level criminal violations; and (iii) establish guidelines with specific benchmarks which, if achieved by an individual, shall reduce the period of

time in which such individual shall be subject to post-release supervision. Nothing in this section or in such regulations shall limit the authority of the superior, municipal, district or juvenile court to impose conditions of probation supervision to protect the public or promote the rehabilitation of any person.

Section 3. An individual subject to mandatory post-release supervision who has successfully completed 6 months of supervision shall be eligible for early termination of such supervision. Early termination shall be granted in accordance with the regulations of the parole board. In proceedings for early termination of mandatory post-release supervision, the parole board's considerations shall include, but not be limited to, the amount of time an individual has successfully spent under post-release supervision, efforts and achievements in the areas of employment, housing, education, counseling, substance abuse treatment and required testing programs and any other circumstances relevant to the individual case.

Section 4. An individual who violates a condition of mandatory post-release supervision shall be subject to modification or revocation proceedings initiated by the parole board. The laws and regulations governing parole violation proceedings shall govern modification or revocation proceedings under this section. If an individual violates a condition of mandatory post-release supervision and such violation does not otherwise constitute a criminal offense, such individual may be placed under increased supervision, subjected to other conditions and intermediate sanctions or, upon a determination that such alternative sanctions are not appropriate, incarcerated as follows: for a first violation, for not more than 2 months or the maximum remaining period of post-incarceration supervision, whichever is less; for a second violation, for not more than 6 months or the maximum remaining period of post-incarceration supervision, whichever is less; for a third or subsequent violation, for not more than 12 months or the maximum remaining period of post-incarceration supervision, whichever is less. In all cases in which the individual is not being incarcerated for a violation, the individual shall be subject to the graduated sanctions policy of the parole board. If a violation is for use of controlled substances or an offense for operating under the influence of drugs or alcohol or with a percentage, by weight, of alcohol in such individual's blood of eight one-hundredths or greater or, for an individual under 21 years old, with a percentage, by weight, of alcohol in such individual's blood of 2 one-hundredths or greater and the individual is not incarcerated for the violation, the period of mandatory post-release supervision may be extended to accommodate an appropriate substance abuse program, but the total period of mandatory post-release supervision shall not exceed the maximum supervisory period permitted under section 1. For any violation of the conditions of mandatory post-release supervision, the period of supervision shall be stayed during a period of incarceration and it shall be resumed upon release.

If the violation constitutes a criminal offense, the period of incarceration shall be served on and after any sentence received as a result of the new offense. Upon subsequent release, the greater of the maximum sentences of the original offense and subsequent offense shall be used to calculate the new mandatory post-release supervision period.

Section 5. Mandatory post-release supervision shall be considered stayed under the following circumstances: (i) the individual is immediately committed to the custody of another state, the United States or a military, territorial or Indian tribal authority to serve a period of incarceration less than the post-release supervision period required under this chapter; (ii) the individual is immediately committed to the custody of the United States immigration authorities; or (iii) the individual is committed pursuant to an order of custody under chapter 123A.

SECTION 34A. Section 13D of chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

Whoever commits an offense set forth in this section , if the offense includes the attempt to disarm a police officer in the performance of the officer's duty, shall be punished by imprisonment in the state prison for not more than 10 years, or by a fine of not more than $1,000 and imprisonment in a jail or house of correction for not more than 2½ years.

SECTION 35. Chapter 265 of the General Laws is hereby amended by striking out section 13M, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

Section 13M. (a) Whoever commits an assault or assault and battery on a family or household member, as defined in section 1 of chapter 209A, shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than $5,000 or both.

(b) Whoever is convicted of committing an assault or assault and battery on a family or household member, after having previously been convicted of, placed on probation for, granted a continuance without a finding for, or otherwise having pleaded guilty to or admitted to a finding of sufficient facts for: (1) an assault or assault and battery on a family or household member; (2) an offense that has as an element the use, attempted use or threatened use of physical force against the person of another; (3) an offense that has as an element the possession, use or threatened use of a deadly weapon; (4) a "sex offense" as defined in section 178C of chapter 6; or (5) a violation of section 7 of chapter 209A, shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2 ½ years or by a fine of not more than $10,000, or by both such fine and imprisonment.

(c) For any violation of this section, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention.

SECTION 36. Said chapter 265 is hereby further amended by inserting after section 15C the following 4 sections:-

Section 15D. (a) Whoever commits an assault and battery upon another by means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for not more than 15 years or by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than $10,000, or by both such fine and imprisonment.

(b) Whoever commits an assault and battery upon another by means of discharging a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, after 1 or more prior convictions under subsection (a), section 15E or a law of another jurisdiction that necessarily includes the elements of subsection (a) or section 15E, shall be punished by imprisonment in the state prison for not less than 10 years nor more than 20 years. The sentence imposed shall not be reduced to less than a term of 10 years imprisonment, nor suspended, nor shall a person sentenced under this subsection be eligible for probation, parole, work release or furlough or receive any deduction from the sentence for good conduct, until having served 10 years of the sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric services unavailable at such institution.

(c) Prosecutions commenced under this section shall not be suspended, continued without a finding or placed on file. A sentence imposed under this section shall begin from and after the expiration of any sentence imposed under paragraphs (a), (c), (d), (h), (m) or (n) of section 10 of chapter 269 arising out of the same incident.

Section 15E. (a) Whoever commits an assault upon another by intentionally brandishing a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the

house of correction for not more than 2½ years or by a fine of not more than $5,000, or by both such fine and imprisonment. For the purposes of this subsection, “brandishing” shall mean exhibiting or exposing in an ostentatious, shameless or aggressive manner.

(b) Any person convicted of violating subsection (a) after 1 or more prior convictions under subsection (a), section 15D, or a law of another jurisdiction that necessarily includes the elements of subsection (a) or section 15D, shall be punished by imprisonment in the state prison for not less than 2 years nor more than 15 years. The sentence imposed shall not be reduced to less than a term of 2 years imprisonment, nor suspended, nor shall a person sentenced under this subsection be eligible for probation, parole, work release or furlough or receive any deduction from the sentence for good conduct, until having served 2 years of the sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution.

(c) Prosecutions commenced under this section shall not be suspended, continued without a finding or placed on file. A sentence imposed under this section shall begin from and after the expiration of any sentence imposed under paragraphs (a), (c), (d), (h), (m) or (n) of section 10 of chapter 269 arising out of the same incident.

Section 15F. (a) For the purposes of this section the following words shall have the following meanings:

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

"Strangulation", the intentional interference of the normal breathing or circulation of blood by applying pressure on the throat or neck of another.

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

(b) Whoever strangles or suffocates another shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2 ½ years or by a fine of not more than $5,000, or by both such fine and imprisonment.

(c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation causes serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of such strangulation or suffocation, knowing or having reason to

know that the person is pregnant; or (iii) is convicted of strangling or suffocating another after having been previously convicted of the crime of strangling or suffocating another under this section, or of a like offense in another state or the United States or a military, territorial or Indian tribal authority; or (iv) strangles or suffocates another, knowing that the victim of such strangulation or suffocation has an outstanding temporary or permanent vacate, restraining or no contact order or judgment issued pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A or section 15 or 20 of chapter 209C, in effect against the strangler or suffocator at the time such offense was committed, shall be punished by imprisonment in the state prison for not more than 10 years or in the house of correction for not more than 2½ years, and by a fine of not more than $10,000.

Section 15G. Any person who, with the intent that another commit murder, solicits, counsels, advises or otherwise entices another to commit murder shall be punished by imprisonment in the state prison for not more than 20 years, or by imprisonment in the house of correction for not more than 2½ years and a fine of not more than $1,000.

SECTION 37. Section 37 of chapter 266 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word “larceny”, in line 6, the following words:- and, if the face amount of such check, draft or order does not exceed $250, shall be punished for a first offense by a fine of not more than $500.

SECTION 38. Said section 37 of said chapter 266, as so appearing, is hereby further amended by inserting after the word “larceny”, in line 7, the following words:- if the value of such money, property or services obtained does not exceed $250, shall be punished for a first offense by a fine of not more than $1,000, and if not a first offense or if the face amount of the check or the value of such money, property or services obtained exceeds $250, shall be punished in accordance with section 30.

SECTION 39. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 103 to 107, inclusive, the words “seven years; for a third such offense, by imprisonment in the state prison for not less than seven years nor more than ten years; and for a fourth such offense, by imprisonment in the state prison for not less than ten years nor more than fifteen years” and inserting in place thereof the following words:- 10 years; for a third such offense, by imprisonment in the state prison for not less than 10 years nor more than 15 years; and for a fourth such offense, by imprisonment in the state prison for not less than 15 years nor more than 20 years.

SECTION 40. Said section 10 of said chapter 269, as so appearing, is hereby further amended by adding the following paragraph:-

(p) Whoever, having been previously convicted in any court of this or another state or the United States or a military, territorial or Indian tribal authority, of a crime punishable by imprisonment for a term exceeding 2½ years, knowingly possesses or knowingly has under his control, unless lawfully permitted by statute to so posses or control, a firearm, large capacity weapon, rifle, shotgun, sawed-off shotgun, machine gun, assault weapon or ammunition, as defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2½ years. Prosecutions commenced under this subsection shall not be suspended, continued without a finding or placed on file. A sentence imposed under this subsection shall begin from and after the expiration of any sentence imposed under paragraphs (a), (c), (d), (h), (m) or (n) of section 10 or section 10E arising out of the same incident.

SECTION 41. Section 99 of chapter 272, as so appearing, is hereby amended by striking out subsection A.

SECTION 42. Said section 99 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "wire communication" and inserting in place thereof the following definition:-

1. The term "wire communication" means any transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of such communications and shall include: any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, but shall not include: (i) any communication made through a tone-only paging device; (ii) any communication from a tracking device, defined as an electronic or mechanical device which permits the tracking of the movement of a person or object; or (iii) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

SECTION 43. Subsection (b) of said section 99 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of "designated offense" and inserting in place thereof the following definition:-

7. The term "designated offense" shall include the following offenses in connection with organized crime: arson, assault and battery with a dangerous weapon, extortion, bribery, burglary, embezzlement, forgery, gaming in violation of section 17 of chapter 271, intimidation of a witness or juror, kidnapping, larceny, lending of money or things

of value in violation of the general laws, mayhem, murder, any offense involving the possession or sale of a narcotic or harmful drug, perjury, prostitution, robbery, subornation of perjury, any violation of this section, being an accessory to any of the foregoing offense and conspiracy or attempt or solicitation to commit any of the foregoing offenses.

The term “designated offense” shall also include, whether or not in connection with organized crime: (i) any murder or manslaughter, except under chapter 90 or 90B or 13 ½ of chapter 265; (ii) any violation of chapter 94C; and (iii) the illegal use, possession or carrying of a firearm, sawed-off shotgun, machine gun, assault weapon or large capacity weapon, as defined by section 121 of chapter 140, any offense, proof of which requires the illegal sale, purchase or transfer of a firearm, sawed-off shotgun, machine gun, assault weapon or large capacity weapon as an element thereof, and any license violation under sections 121 to 131P, inclusive, of chapter 140.

SECTION 43A. Chapter 277 of the General Laws is hereby amended by striking out section 70C and inserting in place thereof the following section:-

Section 70C. (a) Any law enforcement officer taking cognizance of a violation of a municipal ordinance, by-law or a misdemeanor offense may treat it as a civil infraction.

(b) This section shall not apply to the offenses in sections 22F, 24, 24D, 24G, 24L and 24N of chapter 90, sections 8, 8A and 8B of chapter 90B, chapter 119, chapter 119A, chapter 209, chapter 209A, chapter 265, sections 1, 2, 3, 6, 6A, 6B, 8B, 13, 13A, 13B, 13B1/2, 13B3/4, 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 22A, 22B, 22C, 23, 23A, 23B, 28, 31 and 36 of chapter 268, chapter 268A, sections 10, 10A, 10C, 10D, 10E, 11B, 11C, 11E, 12, 12A, 12B, 12D and 12E of chapter 269 and sections 1, 2, 3, 4, 4A, 4B, 6, 7, 8, 12, 13, 16, 28, 29A and 29B of chapter 272.

(c) If any officer empowered to enforce this section takes cognizance of a violation thereof, such officer may request that the offender state the offender’s name and address. Whoever, upon such request, refuses to state such name and address, may be arrested without a warrant, or if the offender states a false name and address or a name and address which is not the offender’s name and address in ordinary use, the offender shall be punished by a fine of not less than $50 nor more than $100. Such officer may, as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours, not later than 21 days after the date of such violation. Such notice shall be made in triplicate, and shall contain the name and address of the offender and, if served with notice in hand at the time of such violation, the number of the offender’s license, if any, to operate motor vehicles; the registration number of the vehicle or motor boat involved, if any; the time and place of the violation; the specific offense charged;

and the time and place for the offender's required appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgment that the notice has been received. The officer shall, if possible, deliver to the offender at the time and place of the violation a copy of such notice. Whenever it is not possible to deliver a copy of such notice to the offender at the time and place of the violation, such copy shall be mailed or delivered by the officer, or by the officer's commanding officer or any person authorized by the commanding officer, to the offender's last known address, or in the case of a violation involving a motor vehicle or motor boat registered under the laws of the commonwealth, within 5 days of the offense, or in the case of any motor vehicle or motor boat registered under the laws of another state or country, within 10 days thereof, exclusive, in either case, of Sundays and holidays, to the address of the registrant of the motor vehicle or motor boat involved, as appearing, in the case of a motor vehicle registered under the laws of the commonwealth, in the records of the registry of motor vehicles or the division of motor boats or, in the case of a motor vehicle or motor boat registered under the laws of another state or country in the records of the official in such state or country having charge of the registration of such motor vehicle or motor boat. Such notice mailed by the officer, the officer's commanding officer, or the person so authorized to the last address of said registrant as so appearing, shall be deemed a sufficient notice, and a certificate of the officer or person mailing such notice that it has been mailed in accordance with this section shall be deemed prima facie evidence thereof and shall be admissible in any court of the commonwealth as to the facts contained in the notice. At or before the completion of each tour of duty the officer shall give to the officer's commanding officer those copies of each notice of such a violation the officer has taken cognizance of during such tour which have not already been delivered or mailed by the officer as aforesaid. Said commanding officer shall retain 1 of these copies and shall, at a time not later than the next court day after said delivery or mailing, deliver another copy to the clerk of the court before whom the offender has been notified to appear. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the clerk of a district court under this section may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice, the sum provided in this section, such payment to be made only by postal note, money order or check. If it is the first, second or third offense subject to this section committed by such person within the jurisdiction of the court in the calendar year, payment to such clerk of the sum of $20 shall operate as a final disposition of the case; if it is the fourth or subsequent such offense so committed in such calendar year, payment to such clerk of the sum of $100 shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk

of a district court as provided in this section shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person notified to appear before the clerk of the district court fails to appear and pay the fine provided in this section or, having appeared, chooses to not proceed with the non-criminal disposition of the case, the clerk shall notify the officer concerned, who shall forthwith make application for a criminal complaint and follow the procedure established for criminal cases, and shall notify, if a motor vehicle is involved, the registrar of motor vehicles, or, if a motor boat is involved, the division of motor boats. If any person fails to appear in accordance with the summons issued upon such complaint the clerk shall send such person by certified mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within 21 days from the sending of such notice, a warrant for the person's arrest will be issued. If any person fails to appear within 21days from the sending of such notice, the court shall issue a warrant for the person's arrest.

The notice to appear, provided herein, shall be printed in such form as the chief justice for the district court department and the chief justice for the Boston municipal court department may prescribe for their respective departments; provided, however, that a notice prepared pursuant to section 21A or section 20C of chapter 90 may be so revised or adapted that such notice may also be used for the notice required by this section.

(d) When the court has treated a violation of a municipal ordinance or by-law or a misdemeanor offense as a civil infraction under this section and the ordinance, by-law or misdemeanor in question does not set forth a civil fine as a possible penalty, the court may impose a fine of not more than $5,000. An adjudication of responsibility shall neither be used in the calculation of second and subsequent offenses under any chapter, nor as the basis for the revocation of parole or of a probation surrender. An adjudication of responsibility under this section may include an order of restitution.

SECTION 44. Section 24 of chapter 279 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "for life or".

SECTION 45. Said section 24 of said chapter 279, as so appearing, is hereby further amended by adding the following sentence:- In the case of a sentence to life imprisonment, except in the case of a sentence for murder in the first degree, and except in the case of multiple life sentences, the court shall fix a minimum term which shall be not less than 15 years nor more than 25 years.

SECTION 46. Said chapter 279 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section:-

Section 25. (a) Whoever is convicted of a felony and has been previously twice convicted and sentenced to prison for a term of not less than 3 years by the commonwealth, another state or the United States, and who does not show that he has been pardoned for either crime on the ground that he was innocent, shall be considered a habitual criminal and be punished by imprisonment in the state prison for such felony for the maximum term provided by law.

(b) Whoever: (i) has been convicted 2 times previously of 1 or more of the following offenses: section 131M of chapter 140; section 1, 13 or 13½, subsection (b) of section 13A, section 13B, 13B½, 13B¾, 13F, 13H, 13J, 13K, 14 or 15, subsection (a) or (c) of section 15A, subsection (b) of section 15C, 15D, 16, 17, 18, 18A, 18B or 18C, section 21, 21A, 22, 22A, 22B, 22C, 23A, 23B, 24, 24B, 26, 26B, 26C or 28, subsection (b) of section 39 or subsection (b) or (c) of section 43 of chapter 265, section 1, 14, 17, 18, 102, 102A, 102B or 102C of chapter 266, section 10, 10E or subsection (e) of section 12F of chapter 269 or section 3, 4A, 13, 17, 29A, 29B, 29C, 35A or subsection (b) of section 53A of chapter 272, or has been convicted 2 times previously of a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority, arising out of charges separately brought and tried, and arising out of separate and distinct incidents that occurred at different times, where the second offense occurred subsequent to the first conviction; (ii) has served at least 1 day of incarceration for each of the prior 2 convictions; and (iii) does not show that he has been pardoned for either prior offense on the ground that he was innocent shall, upon conviction of 1 of the enumerated offenses in clause (i), if the offense occurred subsequent to the second conviction, be considered a habitual criminal and punished by imprisonment in the state prison for the maximum term provided by law. No sentence imposed under this section shall be reduced or suspended nor shall such person so sentenced be eligible for probation, parole, work release or furlough or receive any deduction from such person's sentence for good conduct. A sentence imposed under this section shall run from and after any sentence the defendant is serving at the time of sentencing.

(c) No person shall be considered a habitual offender pursuant to subsection (b) based upon any offense for which such person was adjudicated a delinquent child, or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority for which a person was treated as a juvenile.

(d) No guilty plea shall be entered for any offense listed in subsection (b), unless a person is informed by the court, prior to entering the plea, of the penalties for a violation of said subsection: (1) imprisonment in the state prison for the maximum term provided by law; (2) that no sentence may be reduced or suspended; and (3) that no person so sentenced shall be eligible for probation, parole, work release or furlough or receive any deduction in sentence for good conduct. No otherwise valid plea or conviction shall be vacated based upon the failure to give such warnings.

SECTION 47. The authority of the chairman of the parole board to establish regulations for post-release supervision as required by section 2 of chapter 127A shall take effect upon the effective date of this act, and said chairman shall adopt such regulations not later than 90 days thereafter.

SECTION 48. Section 34 shall apply to any felony, as defined in section 1 of chapter 274 of the General Laws, committed on or after the effective date of this act.

SECTION 49. Notwithstanding any general or special law, rule or regulation to the contrary, any person incarcerated on the effective date of this act for an offense which, at the time such person was sentenced on such offense, requires serving a minimum term of incarceration before such person is eligible for probation, parole, work release or release shall be eligible for probation, parole, work release and deductions in sentence for good conduct in accordance with sections 6 to 20, inclusive.

SECTION 49A. Each member appointed to the parole board shall complete a comprehensive training course within 90 days of said appointment.

(1) The department of correction shall develop the comprehensive training course using training components consistent with those offered by the National Institute of Corrections or the American Probation and Parole Association.

(2) Each member of the parole board shall complete a minimum of 8 hours of training annually.

SECTION 49B. When issuing a temporary or permanent vacate, stay away, restraining or no contact order or judgment issued under sections 18, 34B or 34C of chapter 208 of the General Laws; section 32 of chapter 209 of the General Laws; sections 3, 4 or 5 of chapter 209A of the General Laws; section 15 or 20 of chapter 209C of the General Laws; or sections 3, 4, 5, 6, or 7 of chapter 258E of the General Laws; or a temporary restraining order or preliminary or permanent injunction issued by the superior court the court may order the possession, care and control of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household to the plaintiff. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of the animal.

A person, who qualifies, may petition the court under sections 18, 34B or 34C of chapter 208 of the General Laws; section 32 of chapter 209 of the General Laws; sections 3, 4 or 5 of chapter 209A of the General Laws; section 15 or 20 of chapter 209C of the General Laws; or sections 3, 4, 5, 6, or 7 of chapter 258E of the General Laws for an order that the defendant refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of the animal.

The chief justice of administration and management shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E of the General Laws or shall adopt a form complaint for use under this section which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

In all instances where an outstanding warrant exists or a violation of a temporary or permanent vacate, stay away, restraining or no contact order or judgment issued under sections 18, 34B or 34C of chapter 208 of the General Laws; section 32 of chapter 209 of the General Laws; sections 3, 4 or 5 of chapter 209A of the General Laws; section 15 or 20 of chapter 209C of the General Laws; or sections 3, 4, 5, 6, or 7 of chapter 258E of the General Laws a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner or to a domesticated animal. In all instances where such an imminent threat of bodily injury to a human being or a domesticated animal is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

SECTION 49C. There shall be a commission established to study the development of a prioritization system for the sex offender registry board to utilize in conducting the board's classification process. The commission shall be comprised of 1 member of the sex offender registry board, who shall be the chair, 1 member of the Massachusetts district attorneys association, and 5 members who shall be selected by the governor, at least 2 of whom shall be advocates for victims of sexual abuse.

The commission shall evaluate various crimes for which an individual may be required to register, the frequency of re-offense under various crimes and the danger that is posed to the community by perpetrators of the various crimes for which an individual may be required to register. The commission shall also evaluate the needs of prisoners to be classified and the effect that it may have on their ability to re-enter society.

The commission shall makes its written recommendations to the sex offender registry board and shall also deliver the recommendations to the house and senate chairs of the joint committee on the judiciary not later than May 1, 2012.

SECTION 50. Section 4 of this act shall take effect on January 1, 2013.

SECTION 51. Except as provided in sections 47 and 50, this act shall take effect in 90 days.