

SENATE No. 2599

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr, (BY REQUEST)

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 relative to preventing abuse of restraining orders by a third party.

PETITION OF:

NAME:

Lori Bowen

DISTRICT/ADDRESS:

130 Grove Avenue, Wilmington, MA 01886

SENATE No. 2599

By Mr. Tarr (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Lori Bowen for legislation relative to preventing abuse of restraining orders by a third party. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to preventing abuse of restraining orders by a third party.

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 43 of Chapter 208 is hereby amended by striking subsection (b) paragraph 1 and
2 inserting in place thereof the following:-

3 (b) Whoever commits the crime of stalking in violation of a temporary or permanent
4 vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-
5 four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two
6 hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections
7 fifteen or twenty of chapter two hundred and nine C or a protection order issued by another
8 jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by
9 the superior court, shall be punished by imprisonment in a jail or the state prison for not less than
10 one year and not more than five years. For purposes of violations of this statute when in violation
11 of a temporary or permanent vacate, restraining, or no-contact order or judgment issued as
12 defined in the aforementioned sections, or or a protection order issued by another jurisdiction; or

13 a temporary restraining order or preliminary or permanent injunction issued by the superior
14 court; stalking shall be defined solely as “whoever 1) willfully and maliciously engages in a
15 knowing pattern of conduct or series of acts over a period of time directed at a specific person
16 which seriously alarms or annoys that person and would cause a reasonable person to suffer
17 emotional distress, and 2) makes a threat with the intent to at least place the person in fear, shall
18 be guilty of the crime of stalking. The conduct, acts or threats described in this subsection shall
19 include, but not be limited to, conduct, acts or threats conducted by mail or by use of a
20 telephonic or telecommunication device or electronic communication device including, but not
21 limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence
22 of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic
23 or photo-optical system, including, but not limited to, electronic mail, internet communications,
24 instant messages or facsimile communications; using third parties to follow the actions and
25 activities of the victim previously named in the aforementioned temporary or permanent vacate,
26 restraining, or no-contact order or judgment; using any means by which to obtain information to
27 their place of residence in violation of aforementioned orders; convincing third parties to
28 threaten the aforementioned victim. No sentence imposed under the provisions of this subsection
29 shall be less than a mandatory minimum term of imprisonment of one year.