

HOUSE No. 1352

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

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 regulating protective orders in certain court proceedings.

PETITION OF:

NAME:

James H. Fagan

DISTRICT/ADDRESS:

3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1394 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGULATING PROTECTIVE ORDERS IN CERTAIN COURT PROCEEDINGS.

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 209A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding at the
2 end thereof the following section:—
3 Section 11. It shall be a defense in the prosecution of any complaint alleging a violation of the no restraint or no
4 contact provisions of any order issued pursuant to section three, four or five of this chapter or section eighteen or
5 twenty-four B of chapter 208, section thirty-two of chapter 209 or section fifteen of chapter 209C that the protected
6 party either initiated contact with the defendant or invited, enticed, encouraged, consented to or otherwise condoned
7 the defendant's actions which gave use to said violation.

8 If the court finds the protected party either initiated contact with the defendant or invited, encouraged, consented to
9 or otherwise encouraged the defendant's actions which gave rise to the alleged violation, said contact or conduct
10 shall be a violation of the order and shall be punishable by a fine of not more than five thousand dollars or
11 imprisonment for not more than two and one-half years or both and the court may in its discretion vacate the order.
12 The criminal remedies provided herein are not exclusive and shall not preclude any other available civil or criminal
13 remedies.