

HOUSE No. 4034

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 7, 2014.

The committee on Ways and Means to whom was referred the Senate Bill enhancing protection for victims of domestic violence (Senate, No. 1897), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4034.

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

By striking out all after the enacting clause and inserting in place thereof the following:

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section
2 116A, as appearing in the 2012 Official Edition, and inserting in place thereof the following new
3 section:-

4 Section 116A. (a) The municipal police training committee shall establish within the
5 recruit basic training curriculum a course for regional and municipal police training schools for
6 the training of law enforcement officers in the commonwealth in the handling of domestic
7 violence and sexual violence complaints and also shall develop guidelines for law enforcement
8 response to domestic violence and sexual violence. The course of instruction and the guidelines
9 shall stress enforcement of criminal laws in domestic violence and sexual violence situations,
10 availability of civil remedies and community resources, and protection of the victim. Where
11 appropriate, the training presenters shall include domestic violence and sexual violence experts
12 with expertise in the delivery of direct services to victims of domestic violence and sexual
13 violence, including utilizing the staff of community based domestic violence, rape, and sexual
14 assault service providers, and survivors of domestic violence, rape, or sexual assault in the
15 presentation of the training.

16 As used in this section, “law enforcement officer” shall mean any officer of a local police
17 department, the office of environmental law enforcement, the University of Massachusetts,
18 capital and state police. As used in this section, “victim” shall mean any child or adult victim of
19 such abuse, including elder victims.

20 (b) The course of basic training for law enforcement officers shall include at least 8 hours
21 of instruction in the procedures and techniques described below:

22 (1) The procedures and responsibilities set forth in chapter 209A of the relating to
23 response to and enforcement of court orders, including violations of orders issued pursuant to
24 said chapter 209A.

25 (2) The service of said chapter 209A complaints and orders.

26 (3) Verification and enforcement of temporary restraining and vacate orders when the
27 suspect is present and the suspect has fled.

28 (4) The legal duties imposed on police officers to offer protection and assistance,
29 including guidelines for making felony and misdemeanor arrests, and for mandatory reporting of
30 child and elder abuse cases.

31 (5) Techniques for handling domestic violence and sexual violence incidents that
32 minimize likelihood of injury to the officer.

33 (6) Techniques for handling domestic violence and sexual violence incidents that
34 promote the safety of the victim, including the importance of keeping the victim informed as to
35 the whereabouts of the suspect and other such information helpful for victim safety planning.

36 (7) The nature and extent of domestic violence, including the physiological and
37 psychological effects of the pattern of domestic violence and sexual violence on victims.

38 (8) The legal rights and the remedies available to victims of domestic violence and sexual
39 violence.

40 (9) Documentation, report writing and evidence collection, which shall include methods
41 for assessing the degree of risk of homicide involved in situations of domestic violence,
42 including, but not limited to, gathering information from the victim regarding the suspect's past
43 reported and non-reported behavior and dangerousness, such as: (i) whether the suspect has ever
44 used a weapon against the victim or threatened the victim with a weapon, (ii) whether the suspect
45 owns a gun; (iii) whether the suspect's physical violence against the victim has increased in
46 severity or frequency; (iv) whether the suspect has threatened to kill the victim; (v) whether the
47 suspect has ever threatened or attempted suicide; (vi) whether the suspect has used or threatened
48 physical violence against the victim's family, other household members, or pets; (vii) whether
49 the suspect uses illegal drugs; (viii) whether the suspect abuses alcohol; and (ix) whether there
50 have been specific instances of strangulation or suffocation of the victim by the suspect.

51 (10) Tenancy and custody issues, including those of married and unmarried couples.

52 (11) The impact of law enforcement intervention on children in domestic violence and
53 sexual violence situations.

54 (12) The services and facilities available to victims of abuse, including the victim's
55 compensation programs, emergency shelters and legal advocacy programs.

56 (13) Techniques for increasing cooperation and data sharing among different areas of law
57 enforcement in combating domestic violence and sexual violence.

58 (c) All law enforcement recruits shall receive the course of basic training for law
59 enforcement officers, established in subsections (a) and (b), as part of their required certification
60 process.

61 (d) The course of basic training for law enforcement officers shall be taught as part of the
62 crisis intervention and conflict resolution components of the recruit academy training, so that
63 there will not be an increase in the currently required 480 hours of recruit training curriculum.

64 (e) The course of instruction, the learning and performance objectives, the standards for
65 training, and the guidelines shall be developed by the municipal police training committee in
66 consultation with appropriate groups and individuals having an interest and expertise in the fields
67 of domestic violence and sexual violence.

68 (f) The municipal police training committee periodically shall include within its in-
69 service training curriculum a course of instruction on handling domestic violence complaints
70 consistent with the provisions of paragraphs (1) through (13) of subsection (b).

71 SECTION 2. Section 167 of said chapter 6, as so appearing, is hereby amended by
72 inserting after the word “non-convictions”, in line 5, the following words:- , previous and
73 pending hearings conducted pursuant to section 58A of chapter 276, including requests of such
74 hearings, transfers by the court, disposition of such requests, findings and orders, regardless of
75 the determination.

76 SECTION 3. Said section 167 of said chapter 6, as so appearing, is hereby further
77 amended by inserting after the word “proceedings”, in line 23, the following words:- , previous
78 and pending hearings conducted pursuant to section 58A of chapter 276, including requests of
79 such hearings, transfers by the court, disposition of such requests, findings and orders, regardless
80 of the determination.

81 SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after
82 section 18M, as inserted by section 18 of chapter 38 of the acts of 2013, the following new
83 section:-

84 Section 18N. (a) As used in this subsection, the following words shall have the following
85 meanings:-

86 “Domestic violence”, the abuse of a family or household member, as such terms are
87 defined in section 1 of chapter 209A.

88 “Fatality”, any death resulting from an incident of domestic violence or attempted
89 domestic violence, including the death of an individual who was not a family or household
90 member of the perpetrator’s.

91 “Local review team”, a local domestic violence fatality review team established pursuant
92 to subsection (b).

93 “State review team”, the state domestic violence fatality review team established pursuant
94 to subsection (c).

95 “Team”, either the local review team or the state review team.

96 (b) There shall be a state domestic violence fatality review team within the executive
97 office of public safety and security. Members of the state review team shall be subject to
98 criminal offender record checks to be conducted by the colonel of the state police. All members
99 shall serve without compensation for their duties associated with membership on the state team.
100 All members shall be immune from any liability resulting from the execution of their duties.

101 The state team shall consist of the following 9 members:- the secretary of public safety
102 and security, who shall serve as chair; the attorney general, or a designee employed by the office
103 of the attorney general; the chief medical examiner, or a designee employed by the office of the
104 chief medical examiner; a member selected by the Massachusetts District Attorneys Association;
105 the colonel of the state police, or a designee employed by the department of state police; the
106 commissioner of probation, or a designee employed by the office of probation; 2 justices of the
107 trial court, one of whom shall be the chief justice of the trial court, or a designee, and the other of
108 whom shall be selected by the chief justice; and a member selected by the Massachusetts Office
109 of Victim Assistance, who shall be employed by the office.

110 The purpose of the state team shall be to decrease the incidence of preventable domestic
111 violence fatalities by: (i) developing an understanding of the causes and incidence of domestic
112 violence fatalities and the circumstances surrounding them; and (ii) advising the governor and
113 the general court by recommending changes in law, policy and practice designed to prevent
114 domestic violence fatalities.

115 To achieve its purpose, the state review team shall:

116 (1) develop model investigative and data collection protocols for local review teams;

117 (2) annually review incidents of fatalities within the commonwealth and assign at
118 least 3 fatalities, selected at random, to a local review team for investigation and report;
119 provided, that a fatality may be assigned only upon the majority vote of the state review team,
120 and only in the event that any criminal proceeding relative to the fatality is complete, with all
121 appeals exhausted;

122 (3) provide information to local review teams, law enforcement agencies and
123 domestic violence service providers for the purpose of protecting victims of domestic violence;

124 (4) provide training and written materials to local review teams to assist them in
125 carrying out their duties;

126 (5) review reports from local review teams;

127 (6) analyze community, public and private agency involvement with victims of
128 domestic violence and their families prior to and subsequent to fatalities;

129 (7) develop a protocol for the collection of data regarding fatalities and provide
130 training to local review teams on the protocol, which shall include protocol and training on the
131 issues of confidentiality of records, victims' identities, and any personally identifying data;

132 (8) develop and implement rules and procedures necessary for its own operation and
133 the operation of local review teams, which shall include the use of confidentiality agreements for
134 both the state and local review teams; and

135 (9) provide the governor and the general court with annual written reports, subject to
136 any applicable confidentiality restrictions, which shall include, but not be limited to, the state
137 team's findings and recommendations, and which shall be filed with the clerks of the house of
138 representatives and the senate on or before July 31.

139 (c) There shall be a local domestic violence fatality review team in each of the 11 districts
140 headed by a district attorney. Members of a local review team shall be subject to criminal
141 offender record checks to be conducted by the district attorney. All members shall serve without
142 compensation for their duties associated with membership on a local review team. All members
143 shall be immune from any liability resulting from the execution of their duties.

144 Each local review team shall be chaired by the district attorney of the district, and shall
145 be comprised of at least the following members, who shall be appointed by the district attorney
146 and who shall reside or work within the district: a medical examiner or pathologist; a chief of
147 police; a probation officer; a member with experience providing non-profit legal services to
148 victims of domestic violence; a member with experience in the delivery of direct services to
149 victims of domestic violence; and any other person with expertise or information relevant to an
150 individual case who may attend meetings on an ad hoc basis, including, but not limited to, local
151 or state law enforcement officers, local providers of social services, providers of community
152 based domestic violence, rape, and sexual assault shelter and support services, hospital
153 representatives, medical specialists or subspecialists, teachers, family or friends of a victim, and
154 persons recommended by the state review team.

155 The purpose of each local review team shall be to decrease the incidence of preventable
156 domestic violence fatalities by: (i) coordinating the collection of information on fatalities
157 assigned to it for review; (ii) promoting cooperation and coordination between agencies
158 responding to fatalities and providing services to victims or victims' family members; (iii)

159 developing an understanding of the causes and incidence of domestic violence fatalities within
160 its area; and (iv) advising the state review team on changes in law, policy or practice which may
161 affect domestic violence fatalities.

162 To achieve its purpose, each local team shall, subject to assignment by the state review
163 team:

164 (1) review, establish and implement model protocols from the state review team;

165 (2) execute a confidentiality agreement;

166 (3) review individual fatalities in accordance with the established protocol;

167 (4) meet periodically, but at least 2 times per calendar year, to review the status of
168 assigned cases and recommend methods of improving coordination of services between agencies
169 and service providers in its area;

170 (5) collect, maintain and provide confidential data as required by the state review team;
171 and

172 (6) provide law enforcement or other agencies with information for the purposes of the
173 protection of victims of domestic violence.

174 (d) At the request of the local district attorney, the local review team shall be immediately
175 provided with:

176 (1) information and records relevant to the cause of the fatality or any party involved with
177 the fatality maintained by providers of medical or other care, treatment or services, including
178 dental and mental health care;

179 (2) information and records relevant to the cause of the fatality or any party involved with
180 the fatality maintained by any state, county or local government agency including, but not
181 limited to, birth certificates, medical examiner investigative data, parole and probation
182 information records, and law enforcement data post-disposition, provided, that certain law
183 enforcement records may be exempted by the local district attorney;

184 (3) information and records of any provider of social services, including the state
185 department of children and families and non-profit agencies, related to the victim or victim's
186 family or any party involved with the fatality, that the local team deems relevant to the review;
187 and

188 (4) demographic information relevant to the victim and the victim's immediate family or
189 any party involved with the fatality, including, but not limited to, address, age, race, gender and
190 economic status.

191 (5) The district attorney may enforce this subsection by seeking an order of the superior
192 court.

193 (e) Any privilege or restriction on disclosure established pursuant to chapter 66A, section
194 70 of chapter 111, section 11 of chapter 111B, section 18 of 111E, chapters 112, 123, or sections
195 20B, 20J, 20K or 20M of chapter 233 or any other law relating to confidential communications
196 which would otherwise be held by the victim of a fatality or protect records and information
197 directly related to such victim shall not prohibit the disclosure of such records or information, as
198 it directly relates to that victim, to the chair of the state review team or a local review team. Any
199 privilege or restriction on disclosure pursuant to the aforementioned statutes, or any other law
200 relating to confidential communications not directly related to the victim of a fatality shall
201 remain in effect; provided, however, that such privilege or restriction may be waived, in writing,
202 by the person holding it, for the limited purposes of disclosure to the state review team or a local
203 review team. Any information considered confidential pursuant to the aforementioned statutes
204 received by the chair of the state review team or a local review team may be submitted for a
205 team's review upon the determination of that team's chair that the review of the information is
206 necessary. The chair shall ensure that no information submitted for a team's review is
207 disseminated to parties outside the team. Under no circumstances shall any member of a team
208 violate the confidentiality provisions set forth in the aforementioned statutes.

209 The state and local review teams shall have the power to subpoena witnesses, compel
210 their attendance, and require the production for examination of any books or papers relating to
211 any fatality under investigation or in question, subject to the confidentiality provisions of this
212 subsection.

213 Except as necessary to carry out a team's purpose and duties, members of a team and
214 persons attending a team meeting may not disclose any information relating to the team's
215 business.

216 Team meetings shall be closed to the public. Information and records acquired by a team
217 pursuant to this section shall be confidential, shall not be considered public records, as defined in
218 clause twenty-sixth of section 7 of chapter 4, shall be exempt from disclosure pursuant to chapter
219 66, and may only be disclosed as necessary to carry out a team's duties and purposes.

220 Statistical compilations of data which do not contain any information that would permit
221 the identification of any person may be disclosed to the public.

222 (f) Members of a team, persons attending a team meeting and persons who present
223 information to a team may not be questioned in any civil or criminal proceeding regarding
224 information presented in or opinions formed as a result of a team meeting.

225 (g) Information, documents and records of a team shall not be subject to subpoena,
226 discovery or introduction into evidence in any civil or criminal proceeding; provided, however,

227 that information, documents and records otherwise available from any other source shall not be
228 immune from subpoena, discovery or introduction into evidence through these sources solely
229 because they were presented during proceedings of a team or are maintained by a team.

230 SECTION 5. Chapter 41 of the General Laws is hereby amended by striking out section
231 97D, as appearing in the 2012 Official Edition, and inserting in place thereof the following
232 section:-

233 Section 97D. All reports of rape and sexual assault or attempts to commit such offenses,
234 all reports of abuse perpetrated by family or household members, as defined in section 1 of
235 chapter 209A, and all communications between police officers and victims of such offenses or
236 abuse shall not be public reports and shall be maintained by the police departments in a manner
237 which will assure their confidentiality, except that all such reports shall be accessible at all
238 reasonable times to the victim and victim's attorney, to others specifically authorized by the
239 victim to obtain such information, and to prosecutors, victim-witness advocates as defined in
240 section 1 of chapter 258B, domestic violence victim's counselors as defined in section 20K of
241 chapter 233, sexual assault counselors as defined in section 20J of chapter 233, and to other law
242 enforcement officers, if such access is necessary in the performance of their duties.
243 Communications between police officers and victims of said offenses and abuse may also be
244 shared with the forgoing named persons if such access is necessary in the performance of their
245 duties. Whoever violates any provision of this section shall be punished by imprisonment for not
246 more than 1 year or by a fine of not more than \$1,000, or both such fine and imprisonment.

247 SECTION 6. Said chapter 41 is hereby further amended by striking out section 98F, as so
248 appearing, and inserting in place thereof the following section:-

249 Section 98F. Each police department and each college or university to which officers
250 have been appointed pursuant to the provisions of section 63 of chapter 22 shall make, keep and
251 maintain a daily log, written in a form that can be easily understood, recording, in chronological
252 order, all responses to valid complaints received, crimes reported, the names, addresses of
253 persons arrested and the charges against such persons arrested. All entries in said daily logs shall,
254 unless otherwise provided in law, be public records available without charge to the public during
255 regular business hours and at all other reasonable times; provided, however, that any entry in a
256 log which pertains to a handicapped individual who is physically or mentally incapacitated to the
257 degree that said person is confined to a wheelchair or is bedridden or requires the use of a device
258 designed to provide said person with mobility, any information concerning responses to reports
259 of domestic violence, rape or sexual assault, or any entry concerning the arrest of a person for
260 assault, assault and battery, or violation of a protective order where the victim is a family or
261 household member, as defined in section 1 of chapter 209A, shall be kept in a separate log and
262 shall not be a public record nor shall such entry be disclosed to the public.

263 SECTION 7. Chapter 112 of the General Laws is hereby amended by adding the
264 following section:-

265 Section 264. The board of registration in medicine, the board of registration in nursing,
266 the board of registration of physician assistants, the board of administration of nursing home
267 administrators, the board of registration of social workers, the board of registration of
268 psychologists and the board of registration of allied mental health and human services
269 professions shall develop and administer standards for licensure, registration, or certification
270 pursuant to this chapter, as applicable, and any renewal thereof, that require training and
271 education on the issue of domestic violence and sexual violence, including, but not limited to, the
272 common physiological and psychological symptoms of domestic violence and sexual violence,
273 the physiological and psychological effects of domestic violence and sexual violence on victims,
274 and the availability of community-based domestic violence, rape, and sexual assault shelter and
275 support services within the commonwealth. Each board may work with community-based
276 domestic violence, rape and sexual assault service providers in order to develop the standards
277 required by this section. Each board shall: (i) promulgate rules and regulations establishing the
278 standards required by this section, and (ii) identify programs or courses of study which meet
279 these standards and the rules or regulations so promulgated. Each board shall provide a list of
280 the identified programs or courses of study to an applicant for licensure, registration, or
281 certification, or renewal thereof.

282 SECTION 8. Chapter 149 of the General Laws is hereby amended by inserting after
283 section 52D the following new section:-

284 Section 52E. (a) For purposes of this section, the following words shall, unless the
285 context clearly indicates otherwise, have the following meanings:

286 “Abuse”, (i) attempting to cause or causing physical harm; (ii) placing another in fear of
287 imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations
288 by force, threat or duress or engaging or threatening to engage in sexual activity with a
289 dependent child; (iv) engaging in mental abuse, which includes threats, intimidation or acts
290 designed to induce terror; (v) depriving another of medical care, housing, food or other
291 necessities of life; or (vi) restraining the liberty of another.

292 “Abusive behavior”, (i) any behavior constituting domestic violence, (ii) stalking in
293 violation of section 43 of chapter 265, (iii) sexual assault which shall include a violation of
294 sections 13B, 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50 or 51
295 of chapter 265 or sections 3 or 35A of chapter 272 and (iv) kidnapping in violation of the third
296 paragraph of section 26 of chapter 265.

297 “Domestic violence”, abuse against an employee or the employee’s family member by:
298 (i) a current or former spouse of the employee or the employee’s family member; (ii) a person
299 with whom the employee or the employee’s family member shares a child in common; (iii) a

300 person who is cohabitating with or has cohabitated with the employee or the employee's family
301 member; (iv) a person who is related by blood or marriage to the employee; or (v) a person with
302 whom the employee or employee's family member has or had a dating or engagement
303 relationship.

304 "Family member", (i) persons who are married to one another; (ii) persons in a
305 substantive dating or engagement relationship and who reside together; (iii) persons having a
306 child in common regardless of whether they have ever married or resided together; (iv) a parent,
307 step-parent, child, step-child, sibling, grandparent or grandchild; or (v) persons in a guardianship
308 relationship.

309 (b) An employer shall permit an employee to take up to 15 days of leave from work in
310 any 12 month period if:

311 (i) the employee, or a family member of the employee, is a victim of abusive
312 behavior;

313 (ii) the employee is using the leave from work to: seek or obtain medical
314 attention, counseling, victim services or legal assistance; secure housing; obtain a protective
315 order from a court; appear in court or before a grand jury; meet with a district attorney or other
316 law enforcement official; or attend child custody proceedings or address other issues directly
317 related to the abusive behavior against the employee or family member of the employee; and

318 (iii) the employee is not the perpetrator of the abusive behavior against such
319 employee's family member.

320 The employer shall have sole discretion to determine whether any leave taken under this
321 section shall be paid or unpaid.

322 (c) This section shall apply to employers who employ 50 or more employees. As used in
323 this subsection, "employees" shall mean individuals who perform services for and under the
324 control and direction of an employer for wages or other remuneration.

325 (d) Except in cases of imminent danger to the health or safety of an employee, an
326 employee seeking leave from work under this section shall provide appropriate advance notice of
327 the leave to the employer as required by the employer's leave policy.

328 If there is a threat of imminent danger to the health or safety of an employee or the
329 employee's family member, the employee shall not be required to provide advanced notice of
330 leave; provided, however, that the employee shall notify the employer within 3 workdays that the
331 leave was taken or is being taken under this section. Such notification may be communicated to
332 the employer by the employee, a family member of the employee or the employee's counselor,
333 social worker, health care worker, member of the clergy, shelter worker, legal advocate or other

334 professional who has assisted the employee in addressing the effects of the abusive behavior on
335 the employee or the employee's family member.

336 If an unscheduled absence occurs, an employer shall not take any negative action against
337 the employee if the employee, within 30 days from the unauthorized absence or within 30 days
338 from the last unauthorized absence in the instance of consecutive days of unauthorized absences,
339 provides any of the documentation described in paragraphs (1) to (6), inclusive, of subsection
340 (e).

341 (e) An employer may require an employee to provide documentation evidencing that the
342 employee or employee's family member has been a victim of abusive behavior and that the
343 purpose of the leave is to satisfy any 1 of the purposes enumerated in clauses (i) to (iii),
344 inclusive, of subsection (b); provided, however, that an employer shall not require an employee
345 to show evidence of an arrest, conviction or other law enforcement documentation for such
346 abusive behavior. An employee shall provide such documentation to the employer within a
347 reasonable period after the employer requests documentation relative to the employee's absence.
348 An employee shall satisfy this documentation requirement by providing any 1 of the following
349 documents to the employer.

350 (1) A protective order, order of equitable relief or other documentation issued by a
351 court of competent jurisdiction as a result of abusive behavior against the employee or
352 employee's family member.

353 (2) A police report or statement of a victim or witness provided to police,
354 including a police incident report, documenting the abusive behavior complained of by the
355 employee or the employee's family member.

356 (3) Documentation that the perpetrator of the abusive behavior against the
357 employee or family member of the employee has: admitted to sufficient facts to support a finding
358 of guilt of abusive behavior; or has been convicted of, or has been adjudicated a juvenile
359 delinquent by reason of, any offense constituting abusive behavior and which is related to the
360 abusive behavior that necessitated the leave under this section.

361 (4) Medical documentation of treatment as a result of the abusive behavior
362 complained of by the employee or employee's family member.

363 (5) An affidavit, signed under the penalties of perjury, provided by a counselor,
364 social worker, health care worker, member of the clergy, shelter worker, legal advocate or other
365 professional who has assisted the employee or the employee's family member in addressing the
366 effects of the abusive behavior.

367 (6) An affidavit, signed under the penalties of perjury, from the employee
368 attesting that the employee has been the victim of abusive behavior or is the family member of a

369 victim of abusive behavior. Any documentation provided to an employer under this section may
370 be maintained by the employer in the employee's employment record but only for as long as
371 required for the employer to make a determination as to whether the employee is eligible for
372 leave under this section.

373 (f) All information that is not a public record related to the employee's leave under this
374 section shall be kept confidential by the employer and shall not be disclosed, except to the extent
375 that disclosure is:

376 (i) requested or consented to, in writing, by the employee;

377 (ii) ordered to be released by a court of competent jurisdiction;

378 (iii) otherwise required by applicable federal or state law;

379 (iv) related to investigations authorized by law enforcement, including, but not
380 limited to an investigation by the attorney general; or

381 (v) necessary to protect the safety of the employee or others employed at the
382 workplace.

383 (g) An employee seeking leave under this section shall exhaust all annual or vacation
384 leave, personal leave and sick leave available to the employee, prior to requesting or taking leave
385 under this section, unless the employer waives this requirement.

386 (h) No employer shall coerce, interfere with, restrain or deny the exercise of, or any
387 attempt to exercise, any rights provided under this section or to make leave requested or taken
388 hereunder contingent upon whether or not the victim maintains contact with the alleged abuser.

389 (i) No employer shall discharge or in any other manner discriminate against an employee
390 for exercising the employee's rights under this section. The taking of leave under this section
391 shall not result in the loss of any employment benefit accrued prior to the date on which the leave
392 taken under this section commenced. Upon the employee's return from such leave, the employee
393 shall be entitled to restoration to the employee's original job or to an equivalent position.

394 (j) The attorney general shall enforce this section and may seek injunctive relief or other
395 equitable relief to enforce this section.

396 (k) Employers with 50 or more employees shall notify each employee of the rights and
397 responsibilities provided by this section including those related to notification requirements and
398 confidentiality. As used in this subsection, "employees" shall mean individuals who perform
399 services for and under the control and direction of an employer for wages or other remuneration.

400 (l) This section shall not be construed to exempt an employer from complying with
401 chapter 258B, section 14B of chapter 268 or any other general or special law or to limit the rights

402 of any employee under said chapter 258B, said section 14B of chapter 268 or any other general
403 or special law.

404 SECTION 9. Section 150 of said chapter 149, as appearing in the 2012 Official Edition,
405 is hereby amended by inserting after the figure “33E”, in line 20, the following figure:- , 52E.

406 SECTION 10. Section 3 of chapter 209A of the General Laws, as so appearing, is hereby
407 amended by striking out, in line 149, the word “except” and inserting in place thereof the
408 following:- including.

409 SECTION 11. Said section 3 of said chapter 209A, as so appearing, is hereby further
410 amended by inserting after the word “support”, in line 149, the following:-

411 ; provided, however, that upon issuing an order for custody or support, the superior,
412 district or Boston municipal court shall provide a copy of the order to the probate and family
413 court department of the trial court that issued the prior or pending custody or support order
414 immediately; provided further, that such order for custody or support shall be for a fixed period
415 of time not to exceed 45 days; and provided further, that such order may be superseded by a
416 subsequent custody or support order issued by the probate and family court department, which
417 shall retain final jurisdiction over any custody or support order.

418 SECTION 12. The second paragraph of section 7 of chapter 209A of the General Laws,
419 as appearing in the 2012 Official Edition, is hereby amended by inserting, after the first sentence,
420 the following sentences:-

421 Law enforcement agencies shall establish adequate procedures to ensure that, when
422 effecting service upon a defendant pursuant to this paragraph, a law enforcement officer shall, to
423 the extent practicable: (i) fully inform the defendant of the contents of service and the available
424 penalties for any violation of an order or terms thereof, and (ii) provide the defendant with
425 informational resources, including, but not limited to, a list of certified batterer intervention
426 programs located within or near the court’s jurisdiction.

427 SECTION 13. Subsection (a) of section 3 of chapter 209C of the General Laws, as so
428 appearing, is hereby amended by adding the following sentence:- No court shall make an order
429 providing visitation rights to a parent who was convicted of rape pursuant to sections 22 to 23B,
430 inclusive, of chapter 265, or sections 3, 4, or 17 of chapter 272, and is seeking to obtain visitation
431 with the child who was conceived during the commission of that rape, unless the judge
432 determines that such child is of suitable age to signify the child’s assent and that assent is in the
433 best interest of the child; provided, however, that a court may make an order providing visitation
434 rights to parent convicted of rape pursuant to section 23 of said chapter 265, if visitation is in the
435 best interest of the child and either (i) the other parent of the child conceived during the
436 commission of that rape has reached the age of 18, and said parent consents to such visitation, or

437 (ii) the judge makes an independent determination that visitation is in the best interest of the
438 child.

439 SECTION 14. Chapter 211B of the General Laws is hereby amended by inserting after
440 section 9A the following new section:-

441 Section 9B. The chief justice of the trial court department shall provide training on the
442 issue of domestic violence and sexual violence in the commonwealth, at least once biannually, to
443 all appropriate court personnel throughout the commonwealth, including but not limited to
444 judges, district attorneys, clerks of court, probation officers and guardians ad litem. Such training
445 shall include, but not be limited to, the dissemination of information concerning:

446 (1) misdemeanor and felony offenses in which domestic violence and sexual violence
447 are often involved;

448 (2) the civil rights and remedies available to victims of domestic violence and sexual
449 violence;

450 (3) which shall include methods for assessing the degree of risk of homicide involved
451 in situations of domestic violence, including, but not limited to, gathering information from the
452 victim regarding the suspect's past reported and non-reported behavior and dangerousness, such
453 as : (i) whether the suspect has ever used a weapon against the victim or threatened the victim
454 with a weapon, (ii) whether the suspect owns a gun; (iii) whether the suspect's physical violence
455 against the victim has increased in severity or frequency; (iv) whether the suspect has threatened
456 to kill the victim; (v) whether the suspect has ever threatened or attempted suicide; (vi) whether
457 the suspect has used or threatened physical violence against the victim's family, other household
458 members, or pets; (vii) whether the suspect uses illegal drugs; (viii) whether the suspect abuses
459 alcohol; and (ix) whether there have been specific instances of strangulation or suffocation of the
460 victim by the suspect;

461 (4) law enforcement techniques, information sharing, and methods of promoting
462 cooperation among the various court departments in combating domestic violence and sexual
463 violence, including the importance of keeping victims informed as to the whereabouts of
464 suspected abusers and other such information helpful for victim safety planning;

465 (5) the physiological and psychological effects of the pattern of domestic violence
466 and sexual violence on its victims, including children who witness such abuse;

467 (6) the underlying psychological and sociological causes of domestic violence and
468 sexual violence and the availability of batterer's intervention programs; and

469 (7) the availability of community based domestic violence, rape, and sexual assault
470 shelter and support services within the commonwealth, including, to the extent practicable,
471 specific shelter and support services available in a court's geographical area.

472 The chief justice of the trial court may appoint such expert, clerical and other staff
473 members as the operation of the training program may require. Where appropriate, the training
474 presenters shall include domestic violence and sexual violence experts with expertise in the
475 delivery of direct services to victims of domestic violence and sexual violence, including
476 utilizing community based domestic violence, rape and sexual assault service providers, and
477 survivors of domestic violence, rape, or sexual assault in the presentation of the training.

478 SECTION 15. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby
479 amended by striking out, in line 18, the words “fifteen A and twenty-one A” and inserting in
480 place thereof the following:- 15A, 15D, 21A and 26.

481 SECTION 16. Section 8 of chapter 258B of the General Laws, as so appearing, is hereby
482 amended by striking out, in line 1, the figure “90” and inserting in place thereof the following
483 figure:- 110.

484 SECTION 17. Said section 8 of said chapter 258B, as so appearing, is hereby further
485 amended by striking out, in line 5, the figure “50” and inserting in place thereof the following
486 figure:- 70.

487 SECTION 18. Said section 8 of said chapter 258B, as so appearing, is hereby further
488 amended by striking out, in line 8, the figure “45” and inserting in place thereof the following
489 figure:- 65.

490 SECTION 19. Said section 8 of said chapter 258B, as so appearing, is hereby further
491 amended by inserting, after the third sentence, the following sentence:-

492 The court shall impose an additional domestic violence prevention and victim assistance
493 assessment of \$50 for any violation of an order issued pursuant to sections 18 or 34B of chapter
494 208, section 32 of chapter 209, sections 3, 4 or 5 of 209A, or section 15 of chapter 209C, or a
495 conviction or adjudication for an act which would constitute abuse as defined in section 1 of
496 209A, or a violation of section 13M of chapter 265, which shall be deposited in the Domestic
497 Violence Prevention and Victim Assistance Fund, established pursuant to section 14.

498 SECTION 20. Said section 8 of said chapter 258B, as so appearing, is hereby further
499 amended by striking out the seventh sentence and inserting in place thereof the following
500 sentence:-

501 If it is determined by a written finding of fact that an assessment, other than for a civil
502 motor vehicle infraction, imposed by this section would impose a severe financial hardship upon
503 the person against whom the assessment is imposed, the court may structure a payment plan in
504 order to ensure compliance with payment; provided, however, that the court may order a person
505 required to pay a domestic violence prevention and victim assistance assessment to complete at

506 least 8 hours of community service in order to satisfy such assessment, if a structured payment
507 would continue to impose a severe financial hardship.

508 SECTION 21. Said section 8 of said chapter 258B, as so appearing, is hereby further
509 amended by inserting after the word “assessment”, in line 50, the following words:- and the
510 domestic violence prevention and victim assistance assessment.

511 SECTION 22. Said chapter 258B is hereby further amended by adding the following
512 section:-

513 Section 14. (a) There shall be established and placed within the Massachusetts office for
514 victim assistance, under the control of the board, a fund to be known as the Domestic Violence
515 Prevention and Victim Assistance Fund, hereinafter referred to as the fund, to be held by the
516 board separate and apart from other funds, to support innovative practices to prevent domestic
517 violence and provide assistance to victims of domestic violence in the commonwealth. The fund
518 shall be credited any appropriations, bond proceeds, or other monies authorized by the general
519 court and specifically designated to be credited thereto, such additional funds as are subject to
520 the direction and control of the board, any pension funds, federal grants or loans, royalties or
521 private investment capital which may properly be applied in furtherance of the objectives of the
522 fund, domestic violence prevention and victim assistance assessments pursuant to section 8 of
523 chapter 258B, and any other monies which may be available to the board for the purposes of the
524 fund from any other source or sources. Any revenues, deposits, receipts, or funds received shall
525 be deposited in the fund, and shall be available to the board for the purposes described in this
526 section, without further appropriation. The state treasurer shall be the custodian of the fund and
527 shall receive, deposit and invest all monies transmitted to him pursuant to this section in
528 accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest
529 rate of return available consistent with the safety of the fund, and shall credit interest and
530 earnings on the trust fund corpus to the trust fund; provided, that all amounts on deposit shall be
531 available for immediate use. At the request of the board, the state treasurer shall transfer funds
532 to the board for the administration of grant pursuant to this section. (b) All available monies in
533 the fund that are unexpended at the end of each fiscal year shall not revert to the General Fund
534 and shall be available for expenditure in the subsequent fiscal year. On or before October 1,
535 2014, the state treasurer shall transfer from the General Fund to the Domestic Violence
536 Prevention and Victim Assistance Fund, the amounts authorized by this section.

537 (c) The fund shall be held and applied by the board to provide grants designed to support
538 innovative practices to prevent domestic violence and provide assistance to victims of domestic
539 violence in the commonwealth. Such innovative practices shall include, but are not limited to:
540 (i) community-based domestic violence prevention and assistance programs and service
541 providers, (ii) multi-disciplinary teams addressing victims of domestic violence at high risk of
542 homicide or fatality, and (iii) other programs and service providers that support victims of
543 domestic violence.

544 The board shall develop, in conjunction with Jane Doe, Inc., and establish guidelines for
545 applications for grants from the fund no later than October 1, 2014; provided that an application
546 must demonstrate the way in which the applicant's practice or program will result in the
547 improvement of services provided to victims of domestic violence. The board shall determine the
548 eligibility of applicants for grants from the fund, and the level of benefits provided to successful
549 applicants. A maximum of 6 grantees may be selected to receive grants from the fund. The
550 board shall structure the payments to grantees to ensure that no expenditure from or commitment
551 of the assets of the fund shall result in a negative amount within the fund.

552 (d) On or before January 1, 2015, the board shall submit a report to the clerks of the
553 house of representatives and the senate, who shall forward the same to the house and senate
554 committees on ways and means, and to the executive office for administration and finance. The
555 report shall provide, at a minimum: (i) the guidelines for applications for grants from the fund;
556 (ii) a list of all applicants for grants from the fund; and (iii) a set of clearly-defined goals and
557 benchmarks to be used to evaluate grant recipients.

558 (e) On or before March 1, 2017, the executive director shall submit a report to the clerks
559 of the house of representatives and the senate, who shall forward the same to the house and
560 senate committees on ways and means, and to the executive office for administration and
561 finance. The report shall provide, at a minimum: (i) detailed evaluations of the performance of
562 grant recipients; (ii) detailed information on grant recipients considered to be most successful;
563 (iii) the potential for the future development and implementation of successful grant recipients'
564 practices or programs; and (iv) recommendations as to how any monies remaining in the fund
565 should be spent.

566 SECTION 23. Section 13K of chapter 265 of the General Laws, as appearing in the 2012
567 Official Edition, is hereby amended by inserting after subsection (c) the following new
568 subsection:-

569 (c½) Whoever commits an assault and battery upon a family or household member, as
570 defined in section 1 of chapter 209A, who is an elder or person with a disability shall, in addition
571 to any other penalty authorized by this section, be punished by imprisonment in the state prison
572 for not more than 5 years or in the house of correction for not more than 2½ years or by a fine of
573 not more than \$5,000 or by both such fine and imprisonment.

574 SECTION 24. Chapter 265 of the General Laws is hereby amended by striking out
575 section 13M, as so appearing, and inserting in place thereof the following section:-

576 Section 13M. (a) Whoever commits an assault or assault and battery on a family or
577 household member, as defined in section 1 of chapter 209A, shall be punished by imprisonment
578 in the house of correction for not more than 2½ years or by a fine of not more than \$5,000 or
579 both.

580 (b) Whoever is convicted of committing an assault or assault and battery on a family or
581 household member, after having previously been convicted of, placed on probation for, granted a
582 continuance without a finding for, or otherwise having pleaded guilty to or admitted to a finding
583 of sufficient facts for (1) an assault or assault and battery on a family or household member; (2)
584 an offense that has as an element the use, attempted use, or threatened use of physical force
585 against the person of another; (3) an offense that has as an element the possession, use, or
586 threatened use of a deadly weapon; (4) a sex offense, as defined in section 178C of chapter 6, or
587 (5) a violation of section 7 of chapter 209A, shall be punished by imprisonment in the state
588 prison for not more than 5 years or in the house of correction for not more than 2½ years, or by a
589 fine of not more than \$10,000, or by both such fine and imprisonment.

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

595 SECTION 25. Said chapter 265 of the General Laws is hereby further amended by
596 inserting after section 13M the following new section:-

597 Section 13N. (a) Whoever commits, or attempts to commit an assault or an assault and
598 battery on a family or household member, as defined in section 1 of chapter 209A, within 500
599 feet of the real property comprising a trial court of the commonwealth, as defined in section 1 of
600 chapter 211B, shall be punished by a fine of not more than \$1,000, imprisonment in the house of
601 correction for not more than 2½ years or imprisonment in the state prison for not more than 5
602 years, or by both such fine and imprisonment.

603 (b) Whoever commits, or attempts to commit an assault or an assault and battery on a
604 family or household member, as defined in section 1 of chapter 209A, with the intent to
605 intimidate, deter or prevent such family or household member from obtaining access to a trial
606 court of the commonwealth, as defined in section 1 of chapter 211B, shall be punished by a fine
607 of not less than \$1,000 nor more than \$5,000, imprisonment in the house of correction for not
608 more than 2½ years or imprisonment in the state prison for not more than 10 years, or by both
609 such fine and imprisonment.

610 SECTION 26. Said chapter 265 of the General Laws is hereby further amended by
611 inserting after section 15C the following new section:-

612 Section 15D. (a) For the purposes of this section the following words shall have the
613 following meanings:-

614 "Strangulation" shall mean the intentional interference of the normal breathing or
615 circulation of blood by applying substantial pressure on the throat or neck of another.

616 "Suffocation" shall mean the intentional interference of the normal breathing or
617 circulation of blood by blocking the nose or mouth of another.

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

621 (b) Whoever strangles or suffocates another shall be punished by imprisonment in the
622 state prison for not more than 5 years or in the house of correction for not more than 2½ years, or
623 by a fine of not more than \$5,000, or by both such fine and imprisonment.

624 (c) Whoever: (i) strangles or suffocates another and by such strangulation or suffocation
625 causes serious bodily injury; or (ii) strangles or suffocates another who is pregnant at the time of
626 such strangulation or suffocation, knowing or having reason to know that the person is pregnant;
627 or (iii) is convicted of strangling or suffocating another after having been previously convicted of
628 the crime of strangling or suffocating another under this section, or of a like offense in federal
629 court or the court of any state; or (iv) strangles or suffocates another who he or she knows has an
630 outstanding temporary or permanent vacate, restraining or no contact order or judgment issued
631 pursuant to sections 18 or 34B of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of
632 chapter 209A, or section 15 of chapter 209C, in effect against him or her at the time the offense
633 was committed, shall be punished by imprisonment in the state prison for not more than 10 years
634 or in the house of correction for not more than 2½ years, and by a fine of not more than \$10,000.

635 SECTION 27. Section 20D of chapter 276 of the General Laws, as appearing in the 2012
636 Official Edition, is hereby amended by inserting after the word "governor", in line 8, the
637 following words:- ; provided, however, that if a person is arrested for a crime in the
638 commonwealth, any bail by bond or undertaking shall be assessed pursuant to sections 42, 42A,
639 57, 58 and 58A.

640 SECTION 28. Section 42 of said chapter 276, as so appearing, is hereby amended by
641 inserting after the word "trial", in line 6, the following words:- ; provided, however, that if a
642 person is arrested for a violation of an order issued pursuant to sections 18 or 34B of chapter
643 208, section 32 of chapter 209, sections 3, 4 or 5 of chapter 209A, or section 15 of chapter 209C,
644 or any act that would constitute abuse as defined in section 1 of chapter 209A, or a violation of
645 section 13M of chapter 265, any bail shall be assessed pursuant to the provisions in sections 42A,
646 57, 58 and 58A.

647 SECTION 29. Section 42A of said chapter 276, as so appearing, is hereby amended by
648 inserting after the word "of", in line 7, the following words:- bail or.

649 SECTION 30. Said section 42A of said chapter 276, as so appearing, is hereby further
650 amended by inserting after the first paragraph the following paragraph:-

651 For any violation of an order issued pursuant to sections 18 or 34B of chapter 208,
652 section 32 of chapter 209, sections 3, 4 or 5 of 209A, or section 15 of chapter 209C, or any act
653 that would constitute abuse as defined in section 1 of chapter 209A, or a violation of section 13M
654 of chapter 265, (1) a person arrested shall not be admitted to bail sooner than 6 hours after arrest
655 and every effort shall be made to assess bail no more than 8 hours after the arrest, and (2) the
656 person authorized to take bail for such violation shall make a written determination as to whether
657 there are conditions of release that will reasonably assure the safety of the alleged victim or any
658 other individual or the community on the basis of any information which the court can
659 reasonably obtain, taking into account the nature and seriousness of the danger posed to any
660 person or the community that would result by the person's release, the nature and circumstances
661 of the offense charged, the potential penalty the person faces, the person's family ties,
662 employment record and history of mental illness, the person's reputation, the risk that the person
663 will obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten,
664 injure or intimidate a prospective witness or juror, the person's record of convictions, if any, any
665 illegal drug distribution or present drug dependency, whether the person is on bail pending
666 adjudication of a prior charge, whether the acts alleged involve abuse as defined in section 1 of
667 chapter 209A, violation of a temporary or permanent order issued pursuant to sections 18 or 34B
668 of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of chapter 209A, or section 15 of
669 chapter 209C, whether the person has any history of orders issued against him pursuant to the
670 aforesaid sections, whether the person is on probation, parole or other release pending
671 completion of sentence for any conviction and whether the person is on release pending sentence
672 or appeal for any conviction. If, after an evaluation of all factors set forth in this paragraph, a
673 written determination is made that there are no conditions of release that will reasonably assure
674 the safety of the alleged victim or any other individual or the community, the person shall be
675 held and transferred automatically, and without a motion from the commonwealth, for an
676 appearance and hearing pursuant to section 58A; provided however, the commonwealth may
677 proceed under section 58 and request cash bail or revocation of release. If, after an evaluation of
678 all the factors set forth in this paragraph, a person is to be admitted to bail, the person shall, prior
679 to admittance, be provided with informational resources related to domestic violence by the
680 person admitting the arrestee to bail, which shall include, but is not limited to, a list of certified
681 batterer intervention programs located within or near the court's jurisdiction. A reasonable
682 attempt shall be made to notify the victim of the individual's release.

683 SECTION 31. Section 55 of said chapter 276, as so appearing, is hereby amended by
684 inserting after the word "felony", in line 5, the following words:- , or was a violation of an order
685 issued pursuant to sections 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4 or 5
686 of chapter 209A, or section 15 of chapter 209C, or was a violation of section 13M of chapter
687 265, or would otherwise constitute abuse as defined in section 1 of said chapter 209A.

688 SECTION 32. Said chapter 276 is hereby amended by inserting after section 56 the
689 following new section:-

690 Section 56A. Before a judge of the superior court or district court releases, discharges or
691 admits to bail any person arrested and charged with a crime against the person or property of
692 another, the judicial officer shall inquire into and determine whether, in the exercise of the
693 judicial officer's discretion and based upon the information provided to the court, abuse, as
694 defined in section 1 of chapter 209A, has occurred immediately prior to or in conjunction with
695 the crime for which the person was arrested and charged. If the judge determines that abuse has
696 so occurred, the judge shall make written findings of fact to that effect. Such written findings of
697 fact shall be maintained within the statewide domestic violence record keeping system. Such
698 written findings of fact shall not be considered criminal offender record information or public
699 records and shall not be open for public inspection. Such written findings of fact shall not be
700 admissible in any investigation or proceeding before a grand jury or court of the commonwealth
701 related to the crime for which the person was brought before the court for release, discharge or
702 admittance to bail. Nothing in this section shall be construed as modifying or limiting the
703 presumption of innocence.

704 SECTION 33. Section 57 of chapter 276 of the General Laws, as appearing in the 2012
705 Official Edition, is hereby amended by inserting after the first paragraph the following new
706 paragraph:-

707 Further, for any violation of an order or judgment issued pursuant to sections 18 or 34B
708 of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of 209A, sections 15 or 20 of chapter
709 209C, or any act that would constitute abuse as defined in section 1 of chapter 209A, or a
710 violation of section 13M of chapter 265, (1) a person arrested shall not be admitted to bail sooner
711 than 6 hours after the time of arrest and every effort shall be made to assess bail no more than 8
712 hours after the time of arrest, and (2) a person authorized to take bail pursuant to this section
713 shall make a written determination as to whether there are conditions of release that will
714 reasonably assure the safety of the alleged victim or any other individual or the community on
715 the basis of any information which the justice or a clerk or assistant clerk of the district court, a
716 bail commissioner or a master in chancery can reasonably obtain, taking into account the nature
717 and seriousness of the danger posed to any person or the community that would result by the
718 person's release, the nature and circumstances of the offense charged, the potential penalty the
719 person faces, the person's family ties, employment record and history of mental illness, the
720 person's reputation, the risk that the person will obstruct or attempt to obstruct justice or
721 threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or
722 juror, the person's record of convictions, if any, any illegal drug distribution or present drug
723 dependency, whether the person is on bail pending adjudication of a prior charge, whether the
724 acts alleged involve abuse as defined in section 1 of chapter 209A, violation of a temporary or
725 permanent order issued pursuant to sections 18 or 34B of chapter 208, section 32 of chapter 209,
726 sections 3,4, or 5 of chapter 209A, or section 15 of chapter 209C, whether the person has any
727 history of orders issued against him pursuant to the aforesaid sections, whether the person is on
728 probation, parole or other release pending completion of sentence for any conviction and whether

729 the person is on release pending sentence or appeal for any conviction. If, after an evaluation of
730 all factors set forth in this paragraph, a written determination is made that there are no conditions
731 of release that will reasonably assure the safety of the alleged victim or any other individual or
732 the community, the person shall be held and transferred automatically, and without a motion
733 from the commonwealth, for an appearance and hearing pursuant to section 58A; provided
734 however, the commonwealth may proceed under section 58 and request cash bail or revocation
735 of release. If, after an evaluation of all the factors set forth in this paragraph, a person is to be
736 admitted to bail, the person shall, prior to admittance, be provided with informational resources
737 related to domestic violence by the person admitting the arrestee to bail, which shall include, but
738 is not limited to, a list of certified batterer intervention programs located within or near the
739 court's jurisdiction. A reasonable attempt shall be made to notify the victim of the individual's
740 release.

741 SECTION 34. Section 58 of said chapter 276, so appearing, is hereby amended by
742 inserting after the first paragraph, the following paragraph:-

743 For any violation of an order or judgment issued pursuant to sections 18 or 34B of
744 chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of 209A, or section 15 of chapter
745 209C, or any act that would constitute abuse as defined in section 1 of chapter 209A, or a
746 violation of section 13M of chapter 265, (1) a person arrested shall not be admitted to bail sooner
747 than 6 hours after the time of arrest and every effort shall be made to assess bail no more than 8
748 hours after the time of arrest, and (2) a person authorized to take bail pursuant to this section and
749 section 57 shall make a written determination as to whether there are conditions of release that
750 will reasonably assure the safety of the alleged victim or any other individual or the community
751 on the basis of any information which the justice or a clerk or assistant clerk of the district court,
752 a bail commissioner or a master in chancery can reasonably obtain, taking into account the nature
753 and seriousness of the danger posed to any person or the community that would result by the
754 person's release, the nature and circumstances of the offense charged, the potential penalty the
755 person faces, the person's family ties, employment record and history of mental illness, the
756 person's reputation, the risk that the person will obstruct or attempt to obstruct justice or
757 threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or
758 juror, the person's record of convictions, if any, any illegal drug distribution or present drug
759 dependency, whether the person is on bail pending adjudication of a prior charge, whether the
760 acts alleged involve abuse as defined in section 1 of chapter 209A, violation of a temporary or
761 permanent order issued pursuant to sections 18 or 34B of chapter 208, section 32 of chapter 209,
762 sections 3,4 or 5 of chapter 209A, or section 20 of chapter 209C, whether the person has any
763 history of orders issued against him pursuant to the aforesaid sections, whether the person is on
764 probation, parole or other release pending completion of sentence for any conviction and whether
765 the person is on release pending sentence or appeal for any conviction. If, after an evaluation of
766 all factors set forth in this paragraph, a written determination is made that there are no conditions
767 of release that will reasonably assure the safety of the alleged victim or any other individual or

768 the community, the person shall be held and transferred automatically, and without a motion
769 from the commonwealth, for an appearance and hearing pursuant to section 58A; provided
770 however, the commonwealth may proceed under section 58 and request cash bail or revocation
771 of release. If, after an evaluation of all the factors set forth in this paragraph, a person is to be
772 admitted to bail, the person shall, prior to admittance, be provided with informational resources
773 related to domestic violence by the person admitting the arrestee to bail, which shall include, but
774 is not limited to, a list of certified batterer intervention programs located within or near the
775 court's jurisdiction. A reasonable attempt shall be made to notify the victim of the individual's
776 release.

777 SECTION 35. Section 58A of said chapter 276, as so appearing, is hereby amended by
778 inserting after the figure "(3)", in line 29, the following words:- ; provided, however, a person
779 arrested and charged with a violation of an order issued pursuant to sections 18 or 34B of chapter
780 208, section 32 of chapter 209, sections 3, 4 or 5 of chapter 209A, or section 15 of chapter 209C,
781 or any act that would constitute abuse as defined in section 1 of said chapter 209A, or a violation
782 of section 13M of chapter 265 of shall not be admitted to bail sooner than 6 hours after arrest
783 and every effort shall be made to assess bail no more than 8 hours after the arrest.

784 SECTION 36. Said section 58A of said chapter 276, as so appearing, is hereby further
785 amended by striking out, in line 92, the words "ninety days excluding any period of delay as
786 defined in Massachusetts Rules of Criminal Procedure Rule 36(b)(2)" and inserting in place
787 thereof the following:- 90 days; provided, that such 90 days shall not include any period of delay
788 as defined in Rule 36(b)(2) of the Massachusetts Rules of Criminal Procedure. If the
789 commonwealth moves to reopen a hearing, pursuant to the provisions of subsection (4), wherein
790 a person was detained pursuant to this subsection following the initial hearing, that person may
791 be detained up to 90 additional days if a judge finds by clear and convincing evidence that the
792 new information or change in circumstances presented so warrants the additional detention. A
793 person detained under this subsection shall not be detained for a period exceeding 180 days.

794 SECTION 37. The second paragraph of subsection (4) of said section 58A of said chapter
795 276, as so appearing, is hereby amended by inserting after the fifth sentence the following
796 sentence:- Prior to the summons of an alleged victim, or a member of the alleged victim's family,
797 to appear as a witness at the hearing, the defendant must demonstrate to the court a good faith
798 basis for the defendant's reasonable belief that the testimony from the witness will support a
799 conclusion that there are conditions of release that will reasonably assure the safety of any other
800 person or the community.

801 SECTION 38. Said section 58A of said chapter 276, as so appearing, is hereby further
802 amended by inserting after the word "hearing", in line 115, the following words:- , and the judge
803 shall consider hearsay contained in a police report or the statement of an alleged victim or
804 witness.

805 SECTION 39. Subsection (4) of said section 58A of said chapter 276, as so appearing, is
806 hereby further amended by striking out the last sentence and inserting in place thereof the
807 following sentence:- The hearing may be reopened before or after a determination by the judge,
808 at any time before trial, upon a motion of the commonwealth or the person and a finding by the
809 judge that information exists that was not known at the time of the hearing or that there has been
810 a change in circumstances, and that such information or change in circumstances has a material
811 bearing on the issue of whether there are conditions of release that will reasonably assure the
812 safety of any other person or the community.

813 SECTION 40. Said section 58A of said chapter 276, as so appearing, is hereby further
814 amended inserting after the word “conviction”, in lines 153 and 154, the following:- ; provided,
815 however, that if the person is held under arrest for a violation of an order issued pursuant to
816 sections 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of 209A, or
817 section 15 of chapter 209C, or any act that would constitute abuse as defined in section 1 of said
818 chapter 209A, or a violation of section 13M of chapter 265, said justice shall make a written
819 determination as to the considerations required by this subsection.

820 (8) If, after a hearing pursuant to subsection (4), detention pursuant to subsection (3) is
821 ordered or pretrial release subject to conditions under subsection (2) is ordered, then:

822 (A) the clerk shall immediately notify the probation officer of the order; and

823 (B) the order of detention pursuant to subsection (3) or order of pretrial release subject to
824 conditions pursuant to subsection (2) shall be recorded in the defendant’s criminal record as
825 compiled by the commissioner of probation pursuant to section 100.

826 SECTION 41. Section 58B of said chapter 276, as so appearing, is hereby amended by
827 striking out, in line 2, the words “section 58 or section 58A” and inserting in place there of the
828 following words:- sections 42A, 58, or 58A.

829 SECTION 42. The executive office of public safety and security shall, in consultation
830 with the chief administrator of the trial court, adopt rules and regulations for: (i) the
831 standardization and dissemination to the district attorney, assistant district attorney, defense
832 counsel and presiding justice, of an individual’s criminal and civil court history, which shall
833 include, at a minimum, a record of a dangerousness hearing pursuant to section 58A of chapter
834 276 of the General Laws, whether or not a dangerousness determination was made; pretrial
835 detention or release conditions as agreed to pursuant to said section 58A of said chapter 276; all
836 temporary or permanent restraining orders issued pursuant to sections 18 or 34B of chapter 208
837 of the General Laws, section 32 of chapter 209 of the General Laws, sections 3, 4 or 5 of chapter
838 209A of the General Laws or section 15 of chapter 209C of the General Laws; any violation of
839 such temporary or permanent restraining orders; a misdemeanor or felony involving abuse, as
840 defined in section 1 of said chapter 209A; any written findings of fact issued pursuant to sections
841 42A, 56A, 57, 58 and 58A of said chapter 276; any records concerning persons on probation

842 maintained by the commissioner of probation pursuant to section 100 of said chapter 276; and
843 any other information maintained in and disseminated in accordance with the statewide domestic
844 violence record keeping system maintained by the commissioner of probation; and (ii) updating
845 the collection, storage, access, dissemination, content and use of criminal offender record
846 information to reflect the inclusion of dangerousness hearing information pursuant to subsection
847 (8) of said section 58A of said chapter 276.

848 SECTION 43. The chief administrator of the trial court department, in conjunction with
849 the commissioner of probation, the Massachusetts office for victim assistance, the colonel of
850 state police, Jane Doe, Inc., and local community-based domestic violence, rape, and sexual
851 assault service providers selected by Jane Doe, Inc., shall develop and implement, subject to
852 appropriation, a program for the dissemination of information on domestic violence and sexual
853 violence prevention services available within each county to: (i) individuals filing a complaint
854 pursuant to sections 3, 4 or 5 of chapter 209A of the General Laws; (ii) parties subject to an
855 order issued pursuant to sections 18 or 34B of chapter 208 of the General Laws, section 32 of
856 chapter 209 of the General Laws, said chapter 209A, or section 15 of chapter 209C of the
857 General Laws; (iii) persons held under arrest for an offense enumerated in subsection (1) of
858 section 58A chapter 276 of the General Laws, which involves abuse, as defined in section 1 of
859 said chapter 209A; and (iv) any other similarly situated individual accessing a court within that
860 county.

861 SECTION 44. The department of elementary and secondary education shall develop and
862 produce educational materials on domestic violence, teen dating violence, and healthy
863 relationships, which shall be distributed annually to students in grades 9 to 12, inclusive. Such
864 educational materials shall be utilized as part of the required health curriculum on safe and
865 healthy relationships required by section 1 of chapter 71 of the General Laws.

866 SECTION 45. Section 22 shall take effect on July 1, 2014.

867 SECTION 46. Section 14 of chapter 258B of the General Laws is hereby repealed. Any
868 funds remaining in the Domestic Violence Prevention and Victim Assistance Fund established
869 pursuant to said section 14 of said chapter 258B shall be transferred to the General Fund.

870 SECTION 47. Section 46 shall take effect on June 30, 2017.