

SENATE No. 1100

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 establishing a domestic violence and sexual assault probation unit.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>3/9/2023</i>

SENATE No. 1100

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1100) of Patrick M. O'Connor and Steven George Xiarhos for legislation to establish a domestic violence and sexual assault probation unit. The Judiciary.

The Commonwealth of Massachusetts

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

An Act establishing a domestic violence and sexual assault probation unit.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 276 of the general laws, as so appearing, is hereby amended by
2 inserting the following new section:-

3 “Section 99C. Domestic violence and sexual assault probation unit

4 There shall be established in the superior court department, the Boston municipal court
5 department, and divisions of the probate and family and district court departments a domestic
6 violence and sexual assault probation unit within the court’s probation department. For the
7 purposes of this section, the word “victim” shall mean a complainant that has filed a complaint
8 under chapter 209A. For the purposes of this section, the word “unit” shall mean the domestic
9 violence and sexual assault probation unit. The unit shall consist of:

10 (a) a domestic violence and sexual assault victim advocate who shall be stationed in the
11 probation department and employed by an external non-profit organization whose mission
12 includes but is not limited to advocating for victims of domestic violence and sexual assault by

13 way of prevention and intervention services, receiving and handling victim complaints against
14 probation officers, raising public awareness, and promoting safety and justice. The victim
15 advocate shall act as the primary liaison between a victim that has filed a complaint and
16 probation officers assigned to the victim's open case. The victim advocate shall notify victims of
17 any scheduled proceedings pursuant to the victim's complaint, their rights in the probation
18 process as established in the Victims Bill of Rights in Section 3 of Chapter 258B of the General
19 Laws, as amended by this act, as well as the contact information of the probation officer assigned
20 to the respondent of the victim's complaint. The victim advocate shall interact with certified
21 batterer's treatment programs if the respondent is so enrolled to obtain current information to
22 provide associated probation officers. The victim advocate shall compile and maintain pertinent
23 information as to the victim and their complaint, including but not limited to victim contact with
24 release risk assessments, police reports relating to arrests and non-arrests, board of probation
25 record, the interstate identification index, restraining orders and affidavits, victim statements,
26 medical reports and photographs evidencing injury, and reports from certified batterer's
27 treatment programs.

28 (b) probation officers as established in section 83 of chapter 276 of the general laws who
29 shall exclusively be assigned to cases and complaints involving domestic violence and sexual
30 assault. Probation officers within the unit shall be assigned to an offender or respondent to a
31 domestic violence or sexual assault case or complaint. The probation officer that is assigned to
32 an offender or respondent shall continue to serve the same client if they are found to have re-
33 offended or committed the same offense against the original victim or a new victim. Probation
34 officers within the unit, in addition to the training and education set forth in section 85 of said
35 chapter 276, shall attend a training course on domestic violence and sexual assault and

36 interacting with offenders. Said training course shall be designed and certified by the Governor's
37 council to address sexual assault and domestic violence in collaboration with any affiliate non-
38 profit organizations. If a probation officer's assigned respondent or offender enrolls in a certified
39 batterer's treatment program and is found to be non-compliant with the requirements of the
40 program, the probation officer shall surrender the assigned respondent or offender. During
41 hearings and proceedings, probation officers shall disclose to the judge all material relative to the
42 respondent's conduct including but not limited to any contact with the victim, global positioning
43 satellite tracking device maintenance, or violations of conditions of release.

44 SECTION 2. Chapter 276 of the general laws is hereby further amended in section 58A
45 subsection (2) by inserting a new subparagraph after subparagraph (2)(B):-

46 "(C) subject to the condition that the person maintain or commence a certified batterers'
47 treatment program in the case of a violation of an order pursuant to section 3, 4 or 5 of chapter
48 209 A, or a misdemeanor or felony involving abuse as defined in section 1 of said chapter 209A
49 or of a violation of an order of protection issued under said chapter 209A in effect".