

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Nangle

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 Relative to Prevention of Domestic Abuse.

PETITION OF:

NAME:

David M. Nangle

DISTRICT/ADDRESS:

17th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PREVENTION OF DOMESTIC ABUSE.

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. Section 3 of Chapter 209A of the Massachusetts General Laws, as appearing in the _____
2 Official Edition, is hereby amended by inserting the following text after subsection (i):-

3 “(j) in conjunction with any of the above mentioned protections from abuse, the judge may require
4 that the defendant wear an electronic monitoring device and be subject to the provisions of Section 10
5 of this chapter.”

6 SECTION 2. Chapter 209A of the General Laws, as appearing in the 2000 Official Edition, is hereby
7 further amended by inserting at the end thereof the following section:-

8 “Section 11. There shall be established in each of the county sheriff’s departments an active
9 electronic monitoring program for prevention of abuse. Said program shall be funded by the
10 Commonwealth and all costs incurred in the procurement of equipment shall be borne by the
11 Commonwealth. There shall be established by said sheriff’s departments statewide regulations and
12 procedures for the implementation of said program.

13 The program shall consist of the integration of passive and active electronic monitoring. The passive
14 system shall be able to monitor a defendant’s continued presence in a specific location. The active
15 system shall be able to alert a plaintiff of a defendant’s close proximity to a particular location or
16 individual.

17 Pursuant to Section 3(j) of this chapter, a judge may order a defendant to participate in this program.
18 The defendant shall be sent to the local sheriff’s department where said defendant will be outfitted with
19 the necessary equipment. The sheriff’s department shall also provide the plaintiff with the necessary
20 equipment and a list of telephone numbers to call in case of an emergency. Said list shall include, but

21 not be limited to the numbers of the local police, the sheriff's department and local shelters for battered
22 women.

23 Any time a judge orders a defendant to participate in this program pursuant to c. 209A Section 3(j),
24 said judge shall also recommend to the defendant that the defendant attend a recognized batterer's
25 treatment program pursuant to c. 209A Section 3(i).

26 A violation of the order by the defendant which results in the warning of the plaintiff by the
27 electronic monitoring device, may be used as evidence of harassment in violation of M.G.L. c. 265
28 Section 43."

29 SECTION 3. This act shall take effect upon its passage.