

HOUSE No. 1394

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to regulate protective orders in certain court proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

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 2004 Official Edition, is hereby amended by adding at the end thereof the following section:—

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4 Section 11. It shall be a defense in the prosecution of any complaint alleging a violation of the no restraint or no contact provisions of any order issued pursuant to section three, four or five of this chapter or section eighteen or twenty-four B of chapter 208, section thirty-two of chapter 209 or section fifteen of chapter 209C that the protected party either initiated contact with the defendant or invited, enticed, encouraged, consented to or otherwise condoned the defendant's actions which gave use to said violation.

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12 If the court finds the protected party either initiated contact with the defendant or invited, encouraged, consented to or otherwise encouraged the defendant's actions which gave rise to the alleged violation, said contact or conduct shall be a violation of the order and shall be punishable by a fine of not more than five thousand dollars or imprisonment for not more than two and one-half years or both and the court may in its discretion vacate the order.

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19 The criminal remedies provided herein are not exclusive and shall not preclude any other available civil or criminal remedies.