

HOUSE No. 3792

By Mr. Nangle of Lowell, petition of David M. Nangle and Kevin J. Murphy relative to the prevention of domestic abuse. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE 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
2 general laws, as appearing in the 2000 Official Edition, is hereby
3 amended by inserting the following text after subsection (i):— “(j)
4 in conjunction with any of the above mentioned protections from
5 abuse, the judge may require that the defendant wear an electronic
6 monitoring device and be subject to the provisions of Section 10 of
7 this Chapter.”

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

4 Section 11. There shall be established in each of the county sher-
5 iff’s departments an active electronic monitoring program for the
6 prevention of abuse. Said program shall be funded by the Common-
7 wealth and all costs incurred in the procurement of equipment shall
8 be borne by the Commonwealth. There shall be established by said
9 sheriff’s departments statewide regulations and procedures for the
10 implementation of said program.

11 The program shall consist of integration of passive and active
12 electronic monitoring. The passive system shall be able to monitor a
13 defendant’s continued presence in a specific location. The active
14 system shall be able to alert a plaintiff of a defendant’s close prox-
15 imity to a particular location or individual. Pursuant to Section 3(j)
16 of this chapter, a judge may order a defendant to participate in this

17 program. The defendant shall be sent to the local sheriff's depart-
18 ment where said defendant will be outfitted with the necessary
19 equipment. The sheriff's department shall also provide the plaintiff
20 with the necessary equipment and a list of telephone numbers to call
21 in case of an emergency. Said list shall include, but not be limited to
22 the numbers of the local police, the sheriff's department and the
23 local shelters for battered women.

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

28 A violation of the order by the defendant which results in the
29 warning of the plaintiff by the electronic monitoring device, may be
30 used as evidence of harassment in violation of M.G.L. c. 265 Section
31 43."

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