

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
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MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

February 16, 2005.

To the Honorable Senate and House of Representatives:

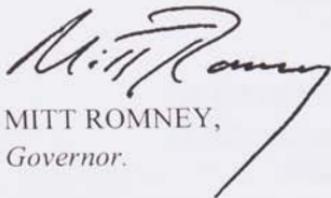
We are filing for your consideration the attached legislation entitled, "An Act Relative to Enhanced Protection for Victims of Domestic Violence." This bill adds electronic monitoring to the enforcement provision of G.L.c. 209A. Specifically this bill will allow a court to establish, as condition of probation, geographic exclusion zones for a defendant convicted of violating a 209A order using GPS tracking technology. Exclusion zones may include such places as the victim's residence, place of work and his or her child's school. When a defendant enters an exclusion zone, the victim and the police will receive instant notification via a pager.

If the Court finds that a defendant entered one of these exclusion zones, the Court may impose a fine, imprisonment, or both. This bill also allows the Court to require a violator of a 209A order to pay the costs associated with the monitoring. This program will be administered by the Department of Probation.

Enactment of this bill sends a strong message of support for victims of domestic violence, and a clear signal to perpetrators that violating restraining orders will not be tolerated in the Commonwealth. We must take all steps necessary to ensure the safety of victims of domestic violence.

We urge your prompt and favorable consideration of this legislation.

Respectfully submitted,



MITT ROMNEY,
Governor.



KERRY HEALEY
Lieutenant Governor

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ENHANCED PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE.

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 7 of chapter 209A, as most recently amended by
2 section 448 of chapter 26 of the Acts of 2003, is hereby further
3 amended by inserting after the seventh paragraph, the following
4 new paragraph:—

5 Where a defendant has been found in violation of an abuse pre-
6 vention order under this chapter or a protection order issued by
7 another jurisdiction, the court may, in addition to the penalties
8 provided for in this section, as a condition of probation, prohibit
9 contact with the victim through the establishment of court defined
10 geographic exclusion zones including, but not limited to, the areas
11 in and around the complainant's residence, place of employment,
12 and the complainant's child's school, and order that the defendant
13 to wear a global positioning satellite tracking device designed to
14 transmit and record the defendant's location data. If the defendant
15 enters a court defined exclusion zone, the defendant's location
16 data shall be immediately transmitted to the complainant, and to
17 the police, through an appropriate means including, but not lim-
18 ited to, the telephone, an electronic beeper or a paging device. The
19 global positioning satellite device and its tracking shall be admin-
20 istered by the department of probation. If a court finds that the
21 defendant has entered a geographic exclusion zone, it shall revoke
22 his probation and the defendant shall be fined, imprisoned or both
23 as provided in this section. Based on the defendant's ability to
24 pay, the court may also order him to pay the monthly costs or por-
25 tion thereof for monitoring through the global positioning satellite
26 tracking system.

