HOUSE . . . . . No. 3560

By Ms. Evans of Wayland, petition of Nancy H. Evans and other members of the General Court for legislation to require the inclusion of additional information in the statewide domestic violence record keeping system. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT REQUIRING THE INCLUSION OF ADDITIONAL INFORMATION IN THE STATEWIDE DOMESTIC VIOLENCE RECORD KEEPING SYSTEM.

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

SECTION 1. Section thirty-four D of chapter two hundred and eight of the General Laws, as most recently amended by section one of chapter one hundred and eighty-eight of the acts of nineteen hundred and ninety-two, is hereby amended by deleting the second paragraph thereof and substituting therefor the following:

When considering a request for a restraining order pursuant to section eighteen of this chapter or for an order for a spouse to vacate the marital home pursuant to section thirty-four B of this chapter, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence or has any outstanding warrants or is on probation or parole.

Upon receipt of information that an outstanding warrant exists against the named defendant or that said defendant is on probation or parole, a judge shall order that the appropriate law enforcement officials, including, but not limited to, the appropriate district attorney's office, police department, probation department and the state parole board, be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials.

In all instances where an outstanding warrant exists or where the named defendant is determined to be on probation or parole, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. Whenever such an imminent threat of bodily injury is found to exist, the judge shall direct that the appropriate law enforcement officials be notified immediately of said finding. Upon receipt of such notification, said law enforcement officials shall take all necessary and appropriate action to execute any such outstanding warrant as soon as is practicable; to review the named defendant's probation status as soon as is practicable; and to review the named defendant's parole status as soon as is practicable.

SECTION 2. Section thirty-two of chapter two hundred and nine of the General Laws, as most recently amended by section two of chapter one hundred and eighty-eight of the acts of nineteen hundred and ninety-two, is hereby amended by striking the second paragraph thereof and substituting therefor the following:

When considering a complaint to prohibit a spouse from imposing any restraint upon the complainant's personal liberty under this section, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence or has any outstanding warrants or is on probation or parole.

Upon receipt of information that an outstanding warrant exists against the named defendant or that said defendant is on probation or parole, a judge shall order that the appropriate law enforcement officials, including, but not limited to, the appropriate district attorney's office, police department, probation department and the state parole board, be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials.

In all instances where an outstanding warrant exists or where the named defendant is determined to be on probation or parole, a judge shall make a finding, based upon all of the circumstances,

as to whether an imminent threat of bodily injury exists to the petitioner. Whenever such an imminent threat of bodily injury is found to exist, the judge shall direct that the appropriate law enforcement officials be notified immediately of said finding. Upon receipt of such notification, said law enforcement officials shall take all necessary and appropriate action to execute any such outstanding warrant as soon as is practicable; to review the named defendant's probation status as soon as is practicable; and to review the named defendant's parole status as soon as is practicable.

SECTION 3. Section seven of chapter two hundred and nine A of the General Laws, as most recently amended by section four of chapter one hundred and eighty-eight of the acts of nineteen hundred and ninety-two, is hereby amended by striking the first paragraph thereof and substituting therefor the following:

When considering a complaint to be filed under this chapter, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence or has any outstanding warrants or is on probation or parole.

Upon receipt of information that an outstanding warrant exists against the named defendant or that said defendant is on probation or parole a judge shall order that the appropriate law enforcement officials, including, but not limited to, the appropriate district attorney's office, police department, probation department and the state parole board, be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials.

In all instances where an outstanding warrant exists or where the named defendant is determined to be on probation or parole, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. Whenever such an imminent threat of bodily injury is found to exist, the judge shall direct that the appropriate law enforcement officials be notified immediately of said finding.

29 Upon receipt of such notification, said law enforcement officials
30 shall take all necessary and appropriate action to execute any
31 such outstanding warrant as soon as is practicable; to review the
32 named defendant's probation status as soon as is practicable;
33 and to review the named defendant's parole status as soon as is
34 practicable.

1 SECTION 4. Section fifteen of chapter two hundred and
2 nine C of the General Laws, as most recently amended by section
3 five of chapter one hundred and eighty-eight of the acts of nine-
4 teen hundred and ninety-two, is hereby amended by striking the
5 last paragraph thereof and substituting therefor the following:
6 When considering a request for relief pursuant to this section, a
7 judge shall cause a search to be made of the records contained
8 within the statewide domestic violence record keeping system
9 maintained by the office of the commissioner of probation and
10 shall review the resulting data to determine whether the named
11 defendant has a civil or criminal record involving domestic or
12 other violence or has any outstanding warrants or is on probation
13 or parole.
14 Upon receipt of information that an outstanding warrant exists
15 against the named defendant or that said defendant is on probation
16 or parole, a judge shall order that the appropriate law enforcement
17 officials, including, but not limited to, the appropriate district
18 attorney's office, police department, probation department and the
19 state parole board, be notified and shall order that any information
20 regarding the defendant's most recent whereabouts shall be for-
21 warded to such officials.
22 In all instances where an outstanding warrant exists or where
23 the named defendant is determined to be on probation or parole, a
24 judge shall make a finding, based upon all of the circumstances,
25 as to whether an imminent threat of bodily injury exists to the
26 petitioner. Whenever such an imminent threat of bodily injury is
27 found to exist, the judge shall direct that the appropriate law
28 enforcement officials be notified immediately of said finding.
29 Upon receipt of such notification, said law enforcement officials
30 shall take all necessary and appropriate action to execute any
31 such outstanding warrant as soon as is practicable; to review the
32 named defendant's probation status as soon as is practicable;

33 and to review the named defendant's parole status as soon as is
34 practicable.

1 SECTION 5. The second paragraph of section thirty-five A of
2 chapter two hundred and eighteen of the General Laws, as most
3 recently amended by section six of chapter one hundred and
4 eighty-eight of the acts of nineteen hundred and ninety-two, is
5 hereby amended by striking the second sentence thereof and sub-
6 stituting therefor the following:
7 The court or other officer referred to in the preceding paragraph
8 shall consider the named defendant's criminal record and the
9 records contained within the statewide domestic violence record
10 keeping system maintained by the commissioner of probation,
11 including the named defendant's probation and parole status, in
12 determining whether an imminent threat of bodily injury exists.

1 SECTION 6. Chapter one hundred and eighty-eight of the acts
2 of nineteen hundred and ninety-two is hereby amended by adding
3 the following section:—
4 Section 9. The secretary of public safety and the executive
5 director of the state parole board are hereby authorized and direct-
6 ed to include within the statewide law enforcement agency pro-
7 cessing system complete and up-to-date information on parole
8 status no later than July first of the year nineteen hundred and
9 ninety-three. The secretary of public safety, the executive director
10 of the state parole board and the commissioner of probation are
11 hereby authorized and directed to cooperate in providing to the
12 office of the commissioner of probation complete and up-to-date
13 information on parole status that shall be compatible with and
14 included in the statewide domestic violence record keeping
15 system no later than December thirty-first of the year nineteen
16 hundred and ninety-three. Until such time as complete and up-to-
17 date parole information is available within the statewide domestic
18 violence record keeping system, the commissioner of public
19 safety and the executive director of the state parole board shall
20 distribute parole status information to court officials and law
21 enforcement officials on a regular basis, in any event no less often
22 than once a month. Until such time as said parole information is
23 included within the statewide domestic violence record keeping

24 system, as required by this section, a judge, upon considering a
25 request for relief pursuant to sections eighteen or thirty-four B of
26 chapter two hundred and eight, a complaint under section thirty-
27 two of chapter two hundred and nine, or a complaint under chap-
28 ter two hundred and nine A, or a request for relief pursuant to
29 section fifteen or twenty of chapter two hundred and nine C of the
30 Massachusetts General Laws, shall make effort to determine
31 whether the named defendant is on parole. The commissioner of
32 public safety shall make two written reports to the joint committee
33 on the judiciary regarding implementation of this act, the first to
34 be filed no later than September thirtieth in the year nineteen
35 hundred and ninety-three and the second report to be filed no
36 later than January thirtieth in the year nineteen hundred and
37 ninety-four.