

The Commonwealth of Massachusetts

JANE SWIFT
GOVERNORTHE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

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April 18, 2001

To the Honorable Senate and House of Representatives:

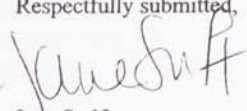
I am filing today for your consideration the attached legislation entitled, "An Act Prohibiting Accord and Satisfaction in Domestic Violence Cases." This legislation will ensure the prosecution of perpetrators of domestic violence and strengthen the protections afforded to victims of domestic violence by further shielding them from batterers who attempt to threaten them into dropping criminal charges.

Under the doctrine of "accord and satisfaction" currently in the law, a court may dismiss a complaint charging an individual with a misdemeanor, even in cases of domestic violence, where the victim reports to the court that the defendant has satisfied the injury. Such dismissal bars the district attorney from prosecuting the case, even in the face of strong independent evidence against the defendant. Recently, batterers have used this doctrine to get their criminal charges dismissed by having their victims agree to an accord and satisfaction. This practice not only ties the hands of prosecutors whose mandate is to bring batterers to justice, but it also puts victims in the frightening position of having to bargain with their abusers.

This legislation will end this practice by prohibiting courts from dismissing charges of domestic abuse and restraining order violations through "accord and satisfaction." Batterers should be held accountable for their crimes and should not be permitted to avoid prosecution by threatening their victims into dropping the charges. Domestic violence is a public safety issue, not a private matter.

I urge you to give this legislation prompt and favorable consideration.

Respectfully submitted,


Jane Swift
Governor

Acting

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT PROHIBITING ACCORD AND SATISFACTION IN DOMESTIC VIOLENCE CASES.

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 55 of chapter 276 of the General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by inserting, in
3 line 5, after the word “felony,” the following words:— or consti-
4 tutes abuse as defined in section 1 of chapter 209A or a violation
5 of an order issued pursuant to section 3, 4 or 5 of chapter 209A or
6 section 18, 34B or 34C of chapter 208,.