

By Ms. Tracy of Boston, petition of Susan M. Tracy, Warren E. Tolman and another relative to the prevention of domestic abuse. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO AID IN 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. Chapter 209A Section 3 is hereby amended by
2 inserting the following after subsection (i): — (j) in conjunction
3 with any of the above mentioned protections from abuse, the judge
4 may require that the defendant wear an electronic monitoring
5 device and be subject to the provisions of Section 10 of this
6 chapter.

1 SECTION 2. Chapter 209A is hereby amended by inserting the
2 following as section 10 of the chapter.

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

10 The program shall consist of the integration of passive and
11 active electronic monitoring. The passive system shall be able to
12 monitor a defendant's continued presence in a specific location.
13 The active system shall be able to alert a plaintiff of a defendant's
14 close proximity to a particular location or individual.

15 Pursuant to Section 3(j) of this chapter, a judge may order a
16 defendant to participate in this program. The defendant shall be

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

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

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