

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to regulate protective orders in certain court proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING PROTECTIVE ORDERS.

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

1 Chapter 209A of the General Laws is hereby amended by
2 adding the following section: —

3 Section 10. It shall be a defense in the prosecution of any
4 complaint alleging a violation of the no restraint or no contact
5 provisions of any order issued pursuant to sections three, four or
6 five of this chapter or sections eighteen or twenty-four B of
7 chapter two hundred and eight, or section thirty-two of chapter
8 two hundred and nine or section fifteen of chapter two hundred
9 and nine C that the protected party either initiated contact with
10 the defendant or invited, enticed, encouraged, consented to or
11 otherwise condoned the defendant's actions which gave use to said
12 violation.

13 If the court finds the protected party either initiated contact
14 with the defendant or invited, encouraged, consented to or
15 otherwise encouraged the defendant's actions which gave use to
16 the alleged violation, said contact or conduct shall be a violation
17 of the order and shall be punishable by a fine of not more than
18 five thousand dollars or imprisonment for not more than two and
19 one half years or both and the court may in its discretion vacate
20 the order.

21 The criminal remedies provided herein are not exclusive and
22 shall not preclude any other available civil or criminal remedies.

